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सं. 1] नई दिल्ली, दिसम्बर 26, 2010—जनवरी 1, 2011, शनिवार/पौष 5—पौष 11, 1932
No. 1] NEWDELHI, DECEMBER 26, 2010—JANUARY 1, 2011, SATURDAY/PAUSA 5—PAUSA 11, 1932

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 21 दिसम्बर, 2010

का.आ. 1.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मिजोरम राज्य सरकार, सतर्कता विभाग, आइजाल की अधिसूचना सं. सी/13011/256/2010—सतर्कता दिनांक 30 अगस्त, 2010 द्वारा प्राप्त सहमति से वर्ष, 2008-2009 के दौरान राष्ट्रीय परियोजना निर्माण निगम लि. और चकमा स्वायत्त जिला परिषद्, मिजोरम द्वारा रु. 5,03,96,680 से अधिक भारत-बांग्ला बार्डर फेंसिंग से प्रभावित लोगों को भूमि मुआवजे के भुगतान में कथित धोखाधड़ी के संबंध में भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13 (1)(सी) और (डी) सपठित धारा 13(2) और भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 120 (बी), 420, 468 और 471 के अधीन दंडनीय अपराधों के अन्वेषण के लिए और उपर्युक्त प्रयासों, दुष्प्रेरणों तथा षड्यंत्रों या इसी संव्यवहार के क्रम में या उन्हीं तथ्यों से उद्भूत अन्य किन्हीं अपराधों के अन्वेषण के संबंध में दिल्ली विशेष पुलिस स्थापना

के सदस्यों की शक्तियों तथा क्षेत्राधिकार का विस्तार एतद्वारा सम्पूर्ण मिजोरम राज्य के सम्बन्ध में करती है।

[सं. 228/65/2010—ए वी डी-II]

आर.के. गुप्ता, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 21st December, 2010

S.O. 1.—In exercise of the powers conferred by sub-section (1) of section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Mizoram, Vigilance Department, Aizawl vide Notification No. C/13011/256/2010-VIG. dated 30th August, 2010 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Mizoram for investigation of offences punishable under sections 120-B, 420, 468 and 471 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and section 13(2) read with 13(1) (c) & (d) of the Prevention of Corruption Act, 1988 (Act No. 49 of 1988) relating to the

alleged fraud in payment of land compensation to those affected by Indo-Bangla Border Fencing involving more than Rs. 5,03,96,680 by National Projects Construction Corporation Limited and Chakma Autonomous District Council, Mizoram during the year 2008-2009 and attempts, abetments and conspiracies in relation to or in connection with the above mentioned offences and any other offence/offences committed in course of the same transaction of arising out of the same facts.

[No.228/65/2010-AVD-II]

R. K. GUPTA, Under Secy.

नई दिल्ली, 23 दिसम्बर, 2010

का.आ. 2.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड राज्य सरकार, गृह विभाग, रांची की अधिसूचना सं. 6/सीबीआई-707/2010/3282 दिनांक 12 अगस्त, 2010 द्वारा प्राप्त सहमति से डा. प्रदीप कुमार, भारतीय प्रशासनिक सेवा, तत्कालीन सचिव, स्वास्थ्य, झारखंड राज्य सरकार द्वारा किए गए कथित अपराध के संबंध में भ्रष्टाचार निरोधक अधिनियम, 1988 (1988 का अधिनियम सं. 49) के अन्तर्गत धारा 13 (2) के साथ पठित 13 (1) (ई.) धाराओं के अन्तर्गत दण्डनीय अपराध का तथा प्रयासों, दुष्प्रेरणाओं और षड्यंत्रों के सम्बन्ध में या उपर्युक्त उल्लिखित अपराधों के संबंध में तथा उसी संव्यवहार के क्रम में किए गए किसी अपराध/अपराधों के बारे में या उन्हीं तथ्यों से उद्भूत कोई अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण झारखंड राज्य के सम्बन्ध में करती है।

[सं. 228/43/2009-ए वी डी-II]

आर. के. गुप्ता, अवर सचिव

New Delhi, the 23rd December, 2010

S.O. 2.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Jharkhand, Home Department, Ranchi vide Notification No. 6/C.B.I.-707/2010/3282 dated 12th August, 2010, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jharkhand for investigation of offences punishable under sections 13(1) (e) read with 13(2) of the Prevention of Corruption Act, 1988 (Act No. 49 of 1988) allegedly committed by Dr. Pradeep Kumar, IAS, the then Secretary, Health, State Government of Jharkhand and attempts, abetments and conspiracies in relation to or in connection with the above mentioned offences and any other offence/offences committed in course of the same transaction or arising out of the same facts.

[No. 228/43/2009-AVD-II]

R. K. GUPTA, Under Secy.

नई दिल्ली, 27 दिसम्बर, 2010

का.आ. 3.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री संदीप शर्मा, वकील को हिमाचल प्रदेश उच्च न्यायालय, शिमला में दिल्ली विशेष पुलिस स्थापना (के.अ. ब्यूरो) के विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/47/2009-AVD-II]

आर.के. गुप्ता, अवर सचिव

New Delhi, the 27th December, 2010

S.O. 3.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Sandeep Sharma, Advocate, as Special Public Prosecutor of the Delhi Special Police Establishment (Central Bureau of Investigation) in the Himachal Pradesh High Court at Shimla.

[No. 225/47/2009-AVD-II]

R K. GUPTA, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 22 दिसम्बर, 2010

का.आ. 4.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 1-4-2002 (कर निर्धारण वर्ष 2003-2004) के आगे से संगठन मैसर्स नेशनल काउंसिल फार अप्लाइड इकनोमिक रिसर्च, नई दिल्ली को निम्नलिखित शर्तों के अधीन अनुसंधान कार्यकलापों में अंशतः लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा। अनुसंधान करने के लिए प्रयुक्त राशि उसमें दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उपधारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;

- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (3) में उल्लिखित अलग बही खाता नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (3) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (4) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ङ के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (3) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 90/2010/फा. सं. 203/86/2009-आ.क.नि.-II]

अजय गोयल, निदेशक

MINISTRY OF FINANCE

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 22nd December, 2010

S.O. 4.—It is hereby notified for general information that the organization M/s. National Council for Applied Economic Research, New Delhi has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2002 (Assessment Year 2003-04) onwards in the category of 'other Institution', partly engaged in research activities subject to the following conditions, namely : —

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by

the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;

- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 90/2010/F. No. 203/86/2009-ITA (II)]

AJAY GOYAL, Director

नई दिल्ली, 23 दिसम्बर, 2010

का.आ. 5.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ङ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ कर निर्धारण वर्ष 2010-2011 से आगे इंद्रप्रस्थ इंस्टीट्यूट आफ इंफोरमेशन, नई दिल्ली को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से ऐसी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं

हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;

- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त धनराशि का विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 91/2010/फा. सं. 203/4/2010-आ.क.नि.-II]

अजय गोयल, निदेशक

New Delhi, the 23rd December, 2010

S.O. 5.—It is hereby notified for general information that the organization Indraprastha Institute of Information Technology, New Delhi has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment Year 2010-11 onwards in the category of 'other Institution', partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received

by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;

- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 91/2010/F. No. 203/4/2010-ITA (II)]

AJAY GOYAL, Director

नई दिल्ली, 23 दिसम्बर, 2010

का.आ. 6.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केंद्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ कर निर्धारण वर्ष 2010-2011 से आगे इंदिरागांधी नेशनल सेंटर आफ द आर्ट्स, नई दिल्ली को निम्नलिखित शर्तों के अधीन अनुसंधान कार्यक्रमों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग सामाजिक विज्ञान में अनुसंधान के लिए किया जाएगा;

- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से सामाजिक विज्ञान या सांख्यिकीय वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा अनुसंधान करने के लिए प्रयुक्त राशि उसमें दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित सामाजिक विज्ञान में अनुसंधान अथवा सांख्यिकीय अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (iii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 92/2010/फा. सं. 203/17/2010-आ.क.नि.-II]

अजय गोयल, निदेशक

- (i) The sums paid to the approved organization shall be utilized for research in social sciences.
- (ii) The approved organization shall carry out research in social science or statistical research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for research in social science and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :-

- (a) fails to maintain separate books of accounts—referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for research in social science or statistical research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (iii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 92/2010/F. No. 203/17/2010-ITA -II]

AJAY GOYAL, Director

New Delhi, the 23rd December, 2010

S.O. 6.—It is hereby notified for general information that the organization Indra Gandhi National Centre of the Arts, New Delhi has been approved by the Central Government for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment Year 2010-11 onwards in the category of 'other Institution', partly engaged in research activities subject to the following conditions, namely :—

औद्योगिक और वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण

नई दिल्ली, 16 दिसम्बर, 2010

का.आ. 7.—इस प्राधिकरण की दिनांक 1 जनवरी 2010 की समसंख्यक अधिसूचना के क्रम में रेल डिब्बा कारखाना कपूरथला कार्यालय महाप्रबन्धक कार्मिक रेडिका/कपूरथला में स्थायी रूप से कार्यरत निजी सचिव श्री रघुबीर सिंह को रु. 10000-325-15200 संशोधित वेतनमान पी बी-3 रु.15600-39100 + 6600 दिनांक 1 जनवरी 2010 (पूर्वाह्न) प्रतिमाह के वेतनमान में प्रमुख निजी सचिव के रूप में की गई प्रतिनियुक्ति की अवधि पूर्व निबन्धनों और

शर्तों सहित दिनांक 1-1-2011 (पूर्वाह्न) से अगले एक वर्ष दिनांक 31-12-2011 तक या अगले आदेश तक या इस प्राधिकरण की समाप्ति तक, जो भी पूर्व घटित हो, बढ़ा दी गई है।

[सं. 1/1/2010-प्रशासन]

दयानन्द, अवर सचिव

APPELLATE AUTHORITY FOR INDUSTRIAL AND FINANCIAL RECONSTRUCTION

New Delhi, the 16th December, 2010

S.O. 7.—In continuation of this Authority's Notification of even number dated 1-1-2010, the term of deputation of Shri Raghuvir Singh, a permanent PS of Rail Coach Factory, Kapurthala, as Principal Private Secretary (PPS) in this Authority on deputaiton basis in the pre-revised Pay Scale of Rs. 10,000-325-15,200 (Revised Pay Band PB-3 Rs. 15600-39100+6600 Grade Pay) is extended for a further period of one year w.e.f. 1-1-2011 (F/N) to 31-12-2011 or till abolition of this Authority or until further orders, whichever is earlier, on the same terms and conditions.

[No. 1/1/2010-Admin.]

DAYANAND, Under Secy.

सूचना एवं प्रसारण मंत्रालय

नई दिल्ली, 7 अक्टूबर, 2010

का.आ. 8.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक अधिसूचना के क्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री एस. जोशी, “ज्योतिष” पानायमचेरी, अंचल पी.ओ. कोल्लम, केरल को दो वर्ष की अवधि या अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के तिरुवनन्तापुरम सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/6/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 7th October, 2010

S.O. 8.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri S. Joshi, “Jyothiss”, Panayamcheri, Anchal P.O. Kollam, Kerala as a member of the Thiruvananthapuram Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/6/2009-F (C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 19 नवम्बर, 2010

का.आ. 9.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्रीमती के.एच. सावित्री, सं. 8, ‘सुशीला’ रेलवे पेरल रोड, रामामोहन पुरम, बंगलौर को तत्काल प्रभाव से दो वर्ष की अवधि के लिए या अगले आदेश होने तक, इनमें से जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के बंगलौर सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/5/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 19th November, 2010

S.O. 9.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Smt. K. H. Savithri, No.8, ‘Susheela’, Railway Parallel Road, Ramamohana Puram, Bangalore., as a member of the Bangalore Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/5/2009-F (C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 15 दिसम्बर, 2010

का.आ.10.—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक अधिसूचना के क्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री जितेन्द्र कुमार मल्होत्रा, 1284/89, गुरु नानक देव नगर, सुंदर नगर के पास, लुधियाना, पंजाब को दो वर्ष की अवधि या अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/8/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फिल्म)

New Delhi, the 15th December, 2010

S.O. 10.—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Jatinder Kumar Malhotra, 1284/89, Guru Nanak Dev Nagar, Near Sunder Nagar, Ludhiana, Punjab as a member of the Delhi Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/8/2009-F (C)]

AMITABH KUMAR, Director (Films)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 11 अक्टूबर, 2010

का.आ. 11.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स ई श्री वेइंग सिस्टम, नं. 13 ज्योथी रामालिंगा एम स्ट्रीट पुजुथिव अक्कम, चेन्नै-600091 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “ई 3-टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “ई श्री” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/247 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाडी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^0 , 2×10^0 , 5×10^0 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(151)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 11th October, 2010

S.O. 11.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class -III) of Series “E-3-T” and with brand name “E THREE” (hereinafter referred to as the said model), manufactured by M/s. E Three Weighing System, No. 13 Jothi Ramalinga M Street Puzhuthiv Akkm, Chennai-600091 and which is assigned the approval mark IND/09/10/247;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternative current power supply.

Figure-1

Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval(n) in the range of 100 to 10,000 for ‘e’ value of 1mg. to 2g. and with verification scale interval (n) in range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(151)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 11 अक्टूबर, 2010

का.आ. 12.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स ई श्री वेइंग सिस्टम, नं. 13 ज्योथी रामालिंगा एम स्ट्रीट पुजुथिव अक्कम, चेन्नै-600091 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग- III) वाले “ई 3-पी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “ई श्री” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/248 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाडी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\circ}$, $2 \times 10^{\circ}$, $5 \times 10^{\circ}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(151)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th October, 2010

S.O. 12.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series “E-3-P” and with brand name “E THREE” (hereinafter referred to as the said model), manufactured by M/s. E Three Weighing System, No. 13 Jothi Ramalinga M Street Puzhuthiv Akkm, Chennai-600091 and which is assigned the approval mark IND/09/10/248;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternative current power supply.

Figure-1

Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(151)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2010

का.आ. 13 .केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स जी.एम. सेल्स एंड सर्विस ई-77, ओम विहार, फेज-5, उत्तम नगर, नई दिल्ली-110059 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “जीएमटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “जी टैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/28 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले के दायी ओर/पीछे की ओर सीलिंग की गई है। डिस्प्ले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब, सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\circ}$, $2 \times 10^{\circ}$ और $5 \times 10^{\circ}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(33)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th October, 2010

S.O. 13.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class -II) of Series “GMT” and with brand name “G Tech” (hereinafter referred to as the said model), manufactured by M/s. G M Sales & Services E-77, Om Vihar, Phase-5, Uttam Nagar, New Delhi-59 which is assigned the approval mark IND/09/10/28;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for ‘e’ value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for ‘e’ value of 100mg. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F.No. WM-21(33)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 12 अक्टूबर, 2010

का.आ. 14.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स जी.एम. सेल्स एंड सर्विस ई-77, ओम विहार, फेज-5, उत्तम नगर, नई दिल्ली-110059 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “जीएमपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “जी टैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/29 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले के दायीं और/पीछे की ओर सीलिंग की गई है। डिस्प्ले की बेस प्लेट और टाप कवर के छेद से सील को जोड़ा गया है, तब, सील वायर इन दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\circ}$, $2 \times 10^{\circ}$, $5 \times 10^{\circ}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(33)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th October, 2010

S.O. 14.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series “GMP” and with brand name “G Tech” (hereinafter referred to as the said model), manufactured by M/s. G M Sales & Services E-77, Om Vihar, Phase-5, Uttam Nagar, New Delhi-59 which is assigned the approval mark IND/09/10/29;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200 kg. and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg. up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(33)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 14 दिसम्बर, 2010

का.आ. 15.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स सिंदे एंड सन्स, 40, नारायण पीठ, माटी गणपति के पास, महाराष्ट्र, पुणे-411030 द्वारा विनिर्मित विशेष यथार्थता (यथार्थता-I) वाले “बीजीएसएम” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “बीजीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/431 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक इलैक्ट्रो मैग्नेटिक फोर्स कम्पेन्सेशन प्रिंसिपल पर आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 ग्रा. है और न्यूनतम क्षमता 0.1 ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

डिस्पले की बाडी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 50000 या अधिक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(263)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th December, 2010

S.O. 15.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Special Accuracy (Accuracy class -I) of Series “BGSM” and with brand name “BGS” (hereinafter referred to as the said model), manufactured by M/s Shinde & Sons, 40, Narayan Peth, Near Mati Ganpati, Maharashtra, Pune-411030 and which is assigned the approval mark IND/09/10/431;

The said model is a Electro Magnetic Force Compensation Principle based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 500g. and minimum capacity of 0.1 g. The verification scale interval (e) is 1mg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

Figure-1

Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 50000 or more for ‘e’ value of 1mg. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21/(263)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 14 दिसम्बर, 2010

का.आ. 16.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सिंदे एंड संस, 40 नारायण पेठ, माटी गणपति, महाराष्ट्र, पुणे-411030 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “बीजीएसजे” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “बीजीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/432 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\circ}$, $2 \times 10^{\circ}$, $5 \times 10^{\circ}$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(263)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th December, 2010

S.O. 16 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class -II) of Series “BGSJ” and with brand name “BGS” (hereinafter referred to as the said model), manufactured by M/s Shinde & Sons, 40, Narayan Peth, Near Mati Ganpati, Maharashtra, Pune-411030 and which is assigned the approval mark IND/09/10/432;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30 kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternative current power supply.

Figure-1

Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 100,000 for ‘e’ value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 100,000 for ‘e’ value of 100mg. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21/(263)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 14 दिसम्बर, 2010

का.आ. 17 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सिंधे एंड सन्ज, 40 नारायण पीठ, माटी गणपति के पास महाराष्ट्र, पुणे-411030 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “बीजीएसटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “बीजीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/433 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1

आकृति -2 मॉडल का सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\text{कै}}$, $2 \times 10^{\text{कै}}$, $5 \times 10^{\text{कै}}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(263)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th December, 2010

S.O. 17.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top Type) with digital indication of Medium Accuracy (Accuracy class -III) of Series “BGST” and with brand name “BGS” (hereinafter referred to as the said model), manufactured by M/s Shinde & Sons, 40, Narayan Peth, Near Mati Ganpati, Maharashtra, Pune-411030 and which is assigned the approval mark IND/09/10/433;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

Figure-2 Schematic Diagram of sealing provision of the Model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for ‘e’ value of 1mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(263)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 14 दिसम्बर, 2010

का.आ. 18 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सिंधे एंड सन्ज, 40 नारायण पीठ, माटी गणपति के पास महाराष्ट्र, पुणे-411030 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग II) वाले “बीजीएसपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “बीजीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/434 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल का सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 0.1 ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\circ}$, $2 \times 10^{\circ}$, $5 \times 10^{\circ}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(263)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th December, 2010

S.O. 18.—Whether the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of High Accuracy (Accuracy class -II) of Series “BGSP” and with brand name “BGS” (hereinafter referred to as the said model), manufactured by M/s Shinde & Sons, 40, Narayan Peth, Near Mati Ganpati, Maharashtra, Pune-411030 and which is assigned the approval mark IND/09/10/434;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternative current power supply.

Figure-1

Figure-2 Schematic Diagram of sealing provision of the Model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000kg. with verification scale interval (n) in the range of 5000 to 100,000 for ‘e’ value of 0.1g. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(263)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 14 दिसम्बर, 2010

का.आ. 19 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स सिंघे एंड सन्ज, 40 नारायण पीठ, माटी गणपति के पास महाराष्ट्र, पुणे-411030 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “बीजीएसपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “बीजीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/435 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल का सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\text{कै}}$, $2 \times 10^{\text{कै}}$, $5 \times 10^{\text{कै}}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(263)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th December, 2010

S.O. 19.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium Accuracy (Accuracy class -III) of Series “BGSP” and with brand name “BGS” (hereinafter referred to as the said model), manufactured by M/s Shinde & Sons, 40, Narayan Peth, Near Mati Ganpati, Maharashtra, Pune-411030 and which is assigned the approval mark IND/09/10/435;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

Figure-1

Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(263)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 14 दिसम्बर, 2010

का.आ. 20 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स सिंधे एंड सन्ज, 40 नारायण पीठ, माटी गणपति के पास महाराष्ट्र, पुणे-411030 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डब्ल्यूबीटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज टाइप) के मॉडल का, जिसके ब्रांड का नाम “बीजीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/436 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(263)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th December 2010

S.O. 20 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge Type) with digital indication of medium Accuracy (Accuracy class -III) of Series “WBT” and with brand name “BGS” (hereinafter referred to as the said model), manufactured by M/s Shinde & Sons, 40, Narayan Peth, Near Mati Ganpati, Maharashtra, Pune-411030 and which is assigned the approval mark IND/09/10/436;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge Type) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply.

Figure-1

Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or above and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21/(263)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर 2010

का.आ. 21 .—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स टैमट्रोन ओवाई, पी.ओ. बाक्स 15 (वेस्टोनकतू 11), एफ 133561, टेम्पेरे फिनलैंड द्वारा विनिर्मित यथार्थता वर्ग वाई (बी) वाले “पीकेवी प्रो XXX” शृंखला के स्वचालित कैच वेडिंग उपकरण (चैक व्हीयर) के मॉडल का, जिसके ब्रांड का नाम “पीकेवी प्रो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे भारत में मैसर्स वेलोड टेक्नोलोजी प्रा.लि., एक्सल हाऊस, ग्राउंड फ्लोर, डी वी को-आपरेटिव हाउसिंग सोसायटी, डीपीसी मोटर्स अगाली के पीछे, फटोर्डा, मारगोवा, गोवा-403 602 द्वारा विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/10/56 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित स्वचालित कैच वेडिंग उपकरण है। इसकी अधिकतम क्षमता > 2000 कि.ग्रा. है, न्यूनतम क्षमता > 200 कि.ग्रा. और स्केल अंतराल ई क्षमता > 20 कि.ग्रा. और स्केल अंतराल < 250 है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। टीएफटी कलर डिस्प्ले तोल परिणाम दर्शाता है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2-- मॉडल के सीलिंग प्रावधान का सीलिंग डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर विकर्णतः निकाल कर डिस्पले के दो तरफ सीलिंग की जाती है। डिस्पले की बेस प्लेट और टाप कवर के होल से सील को जोड़ा गया है तब सील वायर दोनों छेदों में से निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

[फा. सं. डब्ल्यू एम -21/(292)/2009]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 21 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Inspecta Finland is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Catch Weighing Instrument (Check Weigher) belonging to accuracy class, Ref Y (b), of 'PKV Pro XXX' series with brand name "PKV Pro" (herein referred to as the said Model) manufactured by M/s. Tamtron OY P. O. Box 15 (Vestonkatu 11), F 133561 Tampere Finland and marketed in India by M/s. Weighload Technologies Pvt. Ltd., Excel House, Ground Floor, D.V. Co-operative Housing Society, Behind DPC Motors Agalli, Fatorda, Margao, Goa-403602 and which is assigned the approval mark IND/09/10/56;

The said model is a strain gauge type load cell based Automatic Catch Weighing Instrument. It has maximum capacity > 2000kg with minimum capacity > 200 kg and scale interval 'e' > 20kg and number of scale intervals < 250. It has a tare device with a 100 per cent subtractive retained tare effect. The TFT Colour Display indicates the weighing results. The instrument operates on 230 volts and 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2— Sealing Diagram of the sealing provision of the model

Sealing is done on the two sides of the display by passing sealing wire diagonally from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

[F. No. WM-21/(292)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 22.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स हेवल्स इंस्ट्रूमेंट, 60, रजत संकुल, गणेश पेठ बस स्टाप के सामने, नागपुर, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “एलजीजेडब्ल्यू-3” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “एलजी-इलेक्ट्रो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/547 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है ;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 300 ग्रा. है, न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

वेइंग मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। स्टाम्पिंग के लिए, स्केल की बाडी के बायीं तरफ ड्रिल किए गए छेदों से लीड सील के साथ सीलिंग वायर निकाल कर स्टाम्पिंग प्लेट से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा.से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^0 , 2×10^0 , 5×10^0 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21/(314)/2009]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 22.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic Weighing Instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series “LGJW-3” and with brand name “LG-ELECTRO” (hereinafter referred to as the said model), manufactured by M/s. Havels Instrment, 60, Rajat Sankul, Opp. Ganesh Peth Bus Stop, Nagpur, Maharashtra which is assigned the approval mark IND/09/09/547;

The said model is a strain gauge type load cell based non-Automatic Weighing Instrument (Table top type) with a maximum capacity of 300g and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternative current power supply.

Figure-1 Model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the body of the scale with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 50,000 for ‘e’ value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for ‘e’ value of 100 mg or more and with ‘e’ value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21/(314)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 23.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स हेवल्स इंस्ट्रूमेंट 60, रजत संकुल, गणेश पेठ बस स्टाप के सामने, नागपुर महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एलजीटी-II” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “एलजी-इलेक्ट्रो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/548 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और, न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

वेइंग मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। स्टाम्पिंग के लिए, स्केल की बाडी के बायीं तरफ ड्रिल किए गए छेदों से लीड सील के साथ सीलिंग वायर निकाल कर स्टाम्पिंग प्लेट से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा.से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 2.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\circ}$, $2 \times 10^{\circ}$ और $5 \times 10^{\circ}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(314)/2009]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 23 .—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic Weighing Instrument (Table Top Type) with digital indication of Medium Accuracy (Accuracy class-III) of series “LGT-II” and with brand name “ LG-ELECTRO” (hereinafter referred to as the said model), manufactured by M/s. Havels Instrument 60, Rajat Sankul Opp.Ganesh Peth Bus Stop, Nagpur, Maharashtra which is assigned the approval mark IND/09/09/548;

The said model is a strain gauge type load cell based non-automatic Weighing Instrument (Table Top Type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2 Schematic diagram of sealing provision of the model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the body of the scale with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for ‘e’ value of 1mg to 50 mg and with number of verification scale interval(n) in the 500 to 10,000 for ‘e’ value of 2g or more and with ‘e’ value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(314)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 24.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स हेवल्स इंस्ट्रूमेंट 60, रजत संकुल, गणेश पेठ बस स्टाप के सामने, नागपुर, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एलजीपी-500” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “एलजी-इलेक्ट्रो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/549 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल का सीलिंग करने का योजनाबद्ध डायग्राम

वेइंग मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। स्टाम्पिंग के लिए, स्केल की बाडी के बायीं तरफ ड्रिल किए गए छेदों से लीड सील के साथ सीलिंग वायर निकालकर स्टाम्पिंग प्लेट से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्माता उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले और “ई” मान $1 \times 10^{\text{कै}}$, $2 \times 10^{\text{कै}}$ या $5 \times 10^{\text{कै}}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(314)/2009]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 24 .—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic Weighing Instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series “LGP-500” and with brand name “LG-ELECTRO” (hereinafter referred to as the said model), manufactured by M/s. Havels Instrument, 60 Rajat Sankul, Opp.Ganesh Peth Bus Stop, Nagpur Maharashtra which is assigned the approval mark IND/09/09/549;

The said model is a strain gauge type load cell based Non-Automatic Weighing Instrument(Platform type) with a maximum capacity of 500kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2 Schematic diagram of sealing provision of the model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the body of the indicator with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip witch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(314)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 25.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स जूडे इंक्यूपमेंट्स प्रा.लि., एन.61, वलान नगर, II-स्ट्रीट, कोरूक्कुपेट, चेन्नई-600021 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “जेईपी-जेपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के माडल का, जिसके ब्रांड का नाम “करून्या” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/536 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है, न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल का सीलिंग करने का योजनाबद्ध डायग्राम

वेइंग मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। स्टाम्पिंग के लिए, स्केल की बाडी के बायीं तरफ ड्रिल किए गए छेदों से लीड सील के साथ सीलिंग वायर निकालकर स्टाम्पिंग प्लेट से जोड़ा गया है। माडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\circ}$, $2 \times 10^{\circ}$ या $5 \times 10^{\circ}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(310)/2009]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 25.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic Weighing Instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series “JEP-JP” and with brand name “KARUNYA” (hereinafter referred to as the said model), manufactured by M/s. Jude Equipments Pvt. Ltd., N. 61, Velan Nagar, IIInd Street, Korukkupet, Chennai-600021 which is assigned the approval mark IND/09/09/536;

The said model is a strain gauge type load cell based non-Automatic Weighing Instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2 Schematic diagram of sealing provision of the model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the holes drilled to the left side of the body of the scale with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for ‘e’ value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for ‘e’ value of 100mg. or more and with ‘e’ value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(310)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 26.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स जूडे इंक्यूपमेंट्स प्रा.लि., एन. 61, वलान नगर, 2 स्ट्रीट, कोरक्कुपेट, चेन्नई-600021 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “जेईपी-टीबी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “करुन्या” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/537 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

वेइंग मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है स्टांपिंग के लिए, स्केल की बाडी के बायीं तरफ ड्रिल किए गए छेदों से लीड सील के साथ सीलिंग वायर निकाल कर स्टांपिंग प्लेट से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\text{कै}}$, $2 \times 10^{\text{कै}}$, $5 \times 10^{\text{कै}}$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(310)/2009]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 26 .—Whether the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class -III) of Series “JEPTB” and with brand name “KARUNYA” (hereinafter referred to as the said model), manufactured by M/s Jude Equipments Pvt Ltd., 61, Velan Nagar, IInd Street, Korukkupet, Chennai-600021 which is assigned the approval mark IND/09/09/537;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

Figure-1

Figure-2 Schematic Diagram of sealing provision of the model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the holes drilled to the left side of the body of the scale with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for ‘e’ value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 100mg. or more and with ‘e’ value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(310)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 27.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स जूडे इंक्यूपमेंट्स प्रा.लि., एन. 61, वलान नगर, II स्ट्रीट, कोरक्कुपेट, चेन्नई-600021 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “जेईपी-पीएफ” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “करुन्या” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/538 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

वेइंग मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलिंग की जाती है। स्टाम्पिंग के लिए, स्केल की बाड़ी के बायीं तरफ ड्रिल किए गए छेदों से लीड सील के साथ सीलिंग वायर निकाल कर स्टाम्पिंग प्लेट से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(310)/2009]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 27 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series “JEP-PF” and with brand name “KARUNYA” (hereinafter referred to as the said model), manufactured by M/s Jude Equipments Pvt Ltd., N. 61, Velan Nagar, IInd Street, Korukkupet, Chennai-600021 which is assigned the approval mark IND/09/09/538;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2 Schematic Diagram of sealing provision of the Model

Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. Stamping plate is connected through sealing wire passing from the holes drilled to the rear body of the scale with the lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21/(310)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 28.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स डार्स आटोमोबाइल प्रा.लि., 10/1, किंग्स रोड, बंगलौर-560 052 द्वारा विनिर्मित “एमईआर-डीएआरएस-01” श्रृंखला के अंकक सूचन सहित “टैक्सीमीटर (आटो फेयर मीटर)” के मॉडल का, जिसके ब्रांड का नाम “मर्सीदा” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/249 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल “टैक्सीमीटर” (आटो फेयर मीटर) अंकक सूचन सहित मापन उपकरण है जो लगातार योग करता जाता है और यात्री द्वारा देय भाड़े को यात्रा के दौरान किसी भी समय दर्शाता है। सार्वजनिक वाहन के यात्रियों द्वारा देय भाड़ा, तय की गई दूरी और निर्धारित स्पीड से कम पर व्यतीत किए गए समय का फलन है जो प्राधिकृत शुल्क के अनुसार अनुपूरक भाड़े के स्वतंत्र है। मीटर की रीडिंग प्रकाश उत्सर्जक डायोड (एल ई डी) द्वारा दर्शायी जाती है। टैक्सी मीटर का ‘के’ फेक्टर 1700 प्रति किलोमीटर है।

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

सीलिंग के लिए छेद बनाकर और इनमें से सील वायर निकाल कर, वायर के ज्वाइंट पर लीड सील लगाई जाती है। फेयर मीटर को सील के साथ छेड़छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

[फा. सं. डब्ल्यू एम -21(93)/2009]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 28.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of “TAXI METER” (Auto Fare Meter) with digital indication (hereinafter referred to as the said model) of MER-DARS-01 D” series with brand name “MERCYDA” manufactured by M/s. Dars Automobiles Pvt. Lt d., 10/1, Queens Road, Bangalore-560 052 and which is assigned the approval mark IND/09/09/249;

The said model of “TAXI METER” (Auto Fare Meter) with digital indication a measuring instrument which totalizes continuously and indicate the fare, at any moment of journey, the charges payable by the passenger of a public vehicle as function of the distance traveled, and below a certain speed on the length of the time taken; this being independent of supplementary charges according to the authorized tariffs. The reading of the meter is indicated by the Light Emitting Diode (LED). The ‘K’ factor of the Taxi-meter is 1700 rev per kilometer.

Figure-1 Model

Figure-2 Sealing diagram of the sealing provision of the Model

Sealing is done by making the holes and passing a seal wire through these holes, and then a lead seal is applied on the joint of the wire. Fare meter can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

[F. No. WM-21(93)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 29.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एसेंट इंस्ट्रुमेंट्स, 152, सुखन मॉल, साइंस सिटी रोड, सोला, अहमदाबाद (भारत) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एसीडब्ल्यू-4” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम “एसेंट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/520 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बॉडी में से तार निकाल कर डिस्प्ले के टॉप पर सीलिंग की जाती है ताकि सीलिंग के बाद सीलिंग को हटाए बिना डिजिटाइजर को खोला न जा सके। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से 150 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\text{कै}}$, $2 \times 10^{\text{कै}}$, $5 \times 10^{\text{कै}}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21/(300)/2009]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 29.—Whether the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of medium accuracy (Accuracy class -III) of Series “ACW-4” and with brand name “ACCENT” (hereinafter referred to as the said model), manufactured by M/s. Accent Instrument, 152, Shukan Mall, Science City Road, Sola, Ahmedabad (India) and which is assigned the approval mark IND/09/09/520;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 volts and 50 Hertz alternative current power supply.

Figure-1 Model (Weighbridge)

Figure-3— Sealing provision of the indicator of the model

Sealing is done on the top of the display by passing sealing wire from the body of the display, so that after sealing digitizer can not be opened without removing seal. A typical schematic diagram of sealing provision of the model is given above. The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 150tonne with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or above and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21/(300)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 30.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एसेंट इंस्ट्रूमेंट्स, 152, सुखन मॉल, साइंस सिटी रोड, सोला, अहमदाबाद (भारत) द्वारा विनिर्मित यथार्थता वर्ग X (I) वाले स्वचालित ग्रेविमेट्रीक फिलिंग इंस्ट्रूमेंट के मॉडल का, जिसके ब्रांड का नाम “एसेंट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/519 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रीक फिलिंग इंस्ट्रूमेंट है। इसकी आउटपुट 50 कि.ग्रा. के साथ न्यूनतम वेट 10 कि.ग्रा. सहित 7 पैकेट प्रति मिनट की बारम्बारता सहित, जो उत्पाद की प्रकृति और मात्रा पर निर्भर है। मशीन को मुक्त प्रवाह, नॉन स्टिकी, नॉन डस्टी उत्पाद जैसे स्नैक फूड्स, कैंडीज, चोकलेट्स, कोंडीमेंट्स, वैफर्स, चिप्स, पेडीग्री, आकार में छोटे बिस्कुट आदि के भरने के लिए डिजाइन किया गया है। लिक्विड क्रिस्टल डायोड (एल.सी.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बॉडी में से तार निकाल कर डिस्प्ले के टॉप पर सीलिंग की जाती है ताकि सीलिंग के बाद सीलिंग को हटाए बिना डिजिटाइजर को खोला न जा सके। माडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 300 कि.ग्रा. तक की क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम -21(300)/2009]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 30.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the Said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument belonging to Accuracy Class, X (I) with brand name “ACCENT” (hereinafter referred to as the said model), manufactured by M/s Accent Instrument, 152, Shukan Mall, Science City Road, Sola, Ahmedabad (India) and which is assigned the approval mark IND/09/09/519;

The said Model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument. It has the output upto 50kg. with minimum weight of 10kg. a frequency of weighing 7 packs per minute depending upon the quantity and nature of the product. The machine is designed for filling the free flowing, non sticky, non-dusty products like snack foods, candies, chocolates, condiments, wafers, chips, pedigree, biscuits of small sizes, etc. The Liquid Crystal Diode Display (LCD) indicates the weighing results. The instrument operates on 230 volts, 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2 Sealing diagram of the Sealing provision of the Model

Sealing is done on the top of the display by passing sealing wire from the body of the display, so that after sealing digitizer can not be opened without removing seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity up to 300kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No. WM-21(300)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 31.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स राजलक्ष्मी इंडस्ट्रिज, शिवाजी नगर, वाटर टैंक के सामने, सावरकुंडला, गुजरात-364515 द्वारा विनिर्मित अस्वचालित तोलन उपकरण (मैकेनिकल काउंटर मशीन) साधारण यथार्थता (यथार्थता III) के मॉडल का, जिसके ब्रांड का नाम “राजलक्ष्मी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/544 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल प्रिंसिपल आफ मूमेंट्स आधारित मैकेनिकल अस्वाचालित तोलन उपकरण (मैकेनिकल काउंटर मशीन टाइप) है जिसकी अधिकतम क्षमता 5 कि.ग्रा. है। इंडीकेशन एनालॉग प्रकार का है।

आकृति -1 मॉडल

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि.ग्रा., 2 कि.ग्रा., 5 कि.ग्रा., 10 कि.ग्रा., 20कि.ग्रा., 25कि.ग्रा., 30कि.ग्रा. और 50कि.ग्रा. तक की क्षमता में है।

[फा. सं. डब्ल्यू एम -21(316)/2009]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 31.—Whether the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Mechanical Counter Machine Type) with brand name “RAJLAXMI” (hereinafter referred to as the said model), manufactured by M/s Rajlaxmi Industries Opp. Water Tank Shivajinagar, Savarkundla, Gujarat-364515 and which is assigned the approval mark IND/09/09/544;

The said model is a Principle of Moments based mechanical non-automatic weighing instrument (Mechanical Counter Machine Type) with a maximum capacity of 5kg. The indication is of analogue type.

Figure-1 Model

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with capacities 1kg, 2kg, 5kg, 10kg, 20kg, 25kg, 30kg & 50kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21/(316)/2009]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 15 दिसम्बर, 2010

का.आ. 32.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शार्प इंस्ट्रूमेंट, 126, रॉटकर लेआउट, न्यू ओम नगर, हुडकेश्वर रोड, नागपुर-440034 द्वारा विनिर्मित उच्च यथार्थता (यथार्थत वर्ग II) वाले “एसएसपी-13” श्रृंखला के अंकक सूचन सहित अस्वाचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम “सनसुइकॉन” है (जिसे इसमें इसके पश्चात उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/63 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त माडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1 माडल

आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाडी में से सीलिंग वायर निकाल कर डिस्पले के टाप साइड/बाटम साइड की ओर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टोप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे की मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में तापमान मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} , 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(65)/2010]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th December, 2010

S.O. 32.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series “SSP-13” and with brand name “SANUICON” (hereinafter referred to as the said model), manufactured by M/s. Sharp Instruments, 126, Rotkar Layout, New Om Nagar, Hudkeshwar Road, Nagpur-440034 which is assigned the approval mark IND/09/10/63;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2 Schematic diagram of sealing provision of the model

Sealing is done on the top side/bottom side of the display by passing wire from the body of the display. The seal is connected by whole in base plate & top cover of display than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacities up to 50 kg and with number of verification scale interval(n) in the range of 100 to 50,000 for ‘e’ value of 100 mg or more and with ‘e’ value 1 X 10k, 2x10k, or 5x10k, being the positive or negative whole number or equal to Zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21/(65)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 20 दिसम्बर, 2010

का.आ. 33.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स ईगल स्केल मेन्युफेक्चरिंग वर्क्स, प्लाट नं. 140/141 इंडस्ट्रियल एस्टेट, नोबल नगर के सामने, कोटारपुर वाटर वर्क्स के पास, पोस्ट-सरदार नगर, अहमदाबाद-384275 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थत वर्ग III) वाले “ईकेएस 10टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन टाइप) के मॉडल का, जिसके ब्रांड का नाम “ईगल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/09/339 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रेन टाइप) है। इसकी अधिकतम क्षमता 10,000 कि.ग्रा. और न्यूनतम क्षमता 20 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 1 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1 मॉडल

आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्केल की बाटम प्लेट और टॉप कवर पर बनाए गए होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। कपटपूर्ण व्यवहार को रोकने के लिए वेइंग मशीन को खोले जाने से रोकने के लिए सीलिंग लगाई जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किग्रा. से 30 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(191)/2009]

बी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th December, 2010

S.O. 33 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Crane Type) with digital indication of medium Accuracy (Accuracy class-III) of series “EKS-10T” and with brand name “EAGLE” (hereinafter referred to as the said model), manufactured by M/s. Eagle Scale Manufacturing Works Plot No:- 140/141 Industrial Estate Opp. Noble Nagar, Nr Kotarpur Water Works Post:- Sardar Nagar, Ahmedabad-384275 and which is assigned the approval mark IND/09/09/339;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 10000 kg. and minimum capacity of 20kg. The verification scale interval (e) is 1kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1 Model

Figure-2 Sealing arrangement

The Sealing is done through the whole made in the bottom plate and top cover of the scale, than sealing wire is passed through these two wholes. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 30 tonne with verification scale interval(n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k , or 5×10^k where K is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(191)/2009]

B. N. DIXIT, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 13 दिसम्बर, 2010

का.आ. 34 .—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम(1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद द्वारा अधिसूचित करता है कि अधिसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

क्र.सं.	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 10803: 1984 मैनुअल धातु आर्क वेल्डिंग हेतु आवरित इलेक्ट्रोड की वेल्ड धातु के रासायनिक विश्लेषण के लिए वेल्ड पैड के नमूने लेने और तैयार करने की पद्धति	संशोधन संख्या 1 नवम्बर 2010	30 नवम्बर 2010

इस संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : एमटीडी 11/टी-113]

पी. घोष, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 13th December, 2010

S.O. 34.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. and Title of the standard(s)	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 10803: 1984 Method of sampling and preparation of weld pad for chemical analysis of weld metal from covered electrodes for manual metal arc welding	Amendment no. 1 November 2010	30 November. 2010

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices: New Delhi, Kotkata Chandigarh, Chennai, Mumbai, and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: MTD 11/T-113]

P. GHOSH, Sc. 'F' Head (Met Engg.)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 35.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2, धनबाद के पंचाट (संदर्भ संख्या 23/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/185/2005-आईआर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th December, 2010

S.O. 35.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 23/2006) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 6-12-2010.

[No. L-20012/185/2005-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD****PRESENT:** Shri KISHORI RAM, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947

Reference No. 23 of 2006**PARTIES:** Employers in relation to the management of E. J. Area of M/s. BCCL and their workman**APPEARANCES:**

On behalf of the workman : Mr. Raghu Nandan Rai,
Working President, Jharkhand
Mines Lal Jhanda Mazdoor
Union

On behalf of the employers: None

State: Jharkhand**Industry:** Coal

Dated, Dhanbad, the 25th November, 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10

(1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/185/2005-IR (CM-I), dated 1-6-2006.

SCHEDULE

“Whether the demand of the Jharkhand Mines Lal Jhanda Mazdoor Union from the management of BCCL, EJ Area that Smt. Bandana Mandal may be promoted as Sr. Staff Nurse Gr. ‘B’ is justified? If so to what relief is the workman entitled and from what date?”

2. The case under the reference relates to the promotion of Smt. Bandana Mandal as Senior Staff Nurse Grade-B under the management of E.J. Area of M/s BCCL.

3. To-day Shri Raghu Nandan Rai, Working President, Jharkhand Mines Lal Jhanda Mazdoor Union, Bhowra, Dhanbad is present but none appears on behalf of the management.

4. A petition filed on behalf of Smt. Bandana Mandal, work woman under the signature of aforesaid working President of the Union and submitted by himself that aforesaid Smt. Bandana Mandal, Staff Nurse, the work woman, has been promoted to Senior Staff Nurse Grade -B on 27-12-2007, so union declined to proceed with the dispute and accordingly it is submitted to dispose of the case.

5. Perused the case record. I find that the case was running for filing a rejoinder on behalf of the workman. Meanwhile the aforesaid petition filed on behalf of the sponsoring union that the work woman Smt. Bandana Mandal the Staff Nurse has been promoted to Senior Staff Nurse Grade-B on the very 27-12-2007, for which the present case was referred to this Tribunal for adjudication. In the meantime, in view of the facts and circumstances, the dispute of the aforesaid work woman for her promotion exists no longer. Hence, the case is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 36.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2, धनबाद के पंचाट (संदर्भ संख्या 138/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/338/98-आईआर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 36.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 138/2000) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 6-12-2010.

[No. L-20012/338/98-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD.

PRESENT : Shri Kishori Ram, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947

Reference No. 138 of 2000

PARTIES : Employers in relation to the management of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers: Mr. D. K. Verma, Advocate.

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 24th November, 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/338/98-IR (C-I), dated the 20th October, 2000.

SCHEDULE

“ KYA BIHAR COLLIERY KAMGAR UNION KI MANG KISHRI SWARNA KUMAR CHOUHAN KO ATTENDANCE CLERK KEY PAD PAR NIYAMIT KIYA JAEY, UCHIT EVAM NAYASANGATH HAIN ? YADI HAIN TO KARMKAR KIS RAHAT KEY PATRA HAIN TATHA KIS TARIKH SEY ?”

2. This case relates to the regularisation of Swarn Kumar Chouhan as Attendance Clerk by the management of M/s. BCCL.

3. The representative of the management is present. None appears for the workman. Perused the case record. I find that the case was running for evidence of the management, but meanwhile the petition filed dated 28-1-2009 on behalf of the sponsoring union for the

workman viz. Swarn Kumar Chouhan with prayer to pass ‘No dispute’ Award, as the Union did not want to contest this case.

4. The case under reference relates to the regularisation of the concerned workman as Attendance Clerk by the management. If the sponsoring union declines to contest the case for the reason best known to it, it would not be proper to keep the proceeding continued for it.

Under this circumstances, the case is closed and accordingly the order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 37.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय सं. 2, धनबाद के पंचाट (संदर्भ संख्या 33/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/210/2005-आईआर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 37.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 33/2006) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 6-12-2010.

[No. L-20012/210/2005-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT : Shri Kishori Ram, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

Reference No. 33 of 2006

PARTIES : Employers in relation to the management of Western Jharia Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Shri Ajay Kumar Singh
the concerned workman
himself.

On behalf of the employers : Mr. D. K. Verma,
Advocate.

State : Jharkhand **Industry :** Coal

Dated, Dhanbad, the 24th November, 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/210/2005-IR (CM-I), dated, the 1st June, 2006.

SCHEDULE

“ Whether the demand of the Janta Mazdoor Sangh from the management of BCCL, W. J. Area that Sh. Ajay Kumar Singh, Electrician Cat-V may be regularised as Electrical Supervisor in Grade- C is justified ? If so, to what relief is the workman entitled and from what date ?”

2. This case relates to the regularisation of Shri Ajay Kumar Singh, Electrician Cat.-V to the post of Electrical Supervisor in Grade-C by the management of W.J. Area of M/s. BCCL.

3. To -day the representative of the management as well as the workman Shri Ajay Kumar Singh is present.

4. A petition in triplicate with photo copy of the office order No. 95 dated 5/7-1-2008 of BCCL Murulidih 20/21 Pits Colliery under his signature filed on behalf of the aforesaid concerned workman and it has been submitted by himself that as per the office order of the management, he has already been promoted from the post of Electrician Cat. V to that of Supervisor/Asstt.Foreman (Electrical) T&S Gr-C, for which the case was referred for adjudication.

5. Perused the case record. I find that the case was running for filing a rejoinder on behalf of the workman, but meanwhile the cause of the workman namely for his regularisation as Electrical Supervisor in Gr-C has been provided by the management as aforesaid office order of the management itself on the very 5th January, 2008.

6. Under the circumstances, I do not find it proper to proceed with the case. Hence, the case is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 38.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय सं.-2 धनबाद के पंचाट (संदर्भ संख्या 173/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/351/98-आईआर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 38.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 173/1999) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 06-12-2010.

[No. L-20012/351/98-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD.**

PRESENT : SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

Reference No. 173 of 1999

PARTIES : Employers in relation to the management of M/s. BCCL and their workman

APPEARANCES:

On behalf of the workman : Mr. S. C. Gaur, Advocate.

On behalf of the employers: Mr. U. N. Lal, Advocate.

State : Jharkhand **Industry :** Coal.

Dated, Dhanbad, the 22nd November, 2010

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/351/98-IR (C-I), dated, the 5th April, 1999.

SCHEDULE

“ Whether the action of the management of M/s. BCCL, in not providing employment to the

dependant of Shri Sahdeo Turi ex-PRW on compassionate ground is legal and justified? If not, to what relief the dependant is entitled to?"

2. This case of the sponsoring union for the petitioner Ramchandra Turi as dependant of his deceased (late Sahdeo Turi) for his employment on compassionate ground is that his father Sahdeo Turi had been working as permanent P.R. worker since his appointment on 30-1-1973 by the BCCL. Firstly he was posted at Keshalpur Colliery which was nationalised from 1-5-1973. The services of the workman (deceased) was transferred by the BCCL management to Sudamdih Shaft Mine at a distance of more than 25 K.M. under the same Jharia field of BCCL. In the year 1987, Sudamdih Mining Management issued Service Excerpts to all its workmen including the workman concerned Sahadeo Turi whose Service Excerpt has been marked as Ext. W-2. It appears 20th August, 1944 as his date of birth and designation as piece rated worker (PRW). So he claims for superannuation at his 60 years of age on 2-8-2005. As a permanent Piece Rated Worker (PRW) his P.F. Account No. D/547364 was allotted. The concerned workman owing to constant working in the under ground mine which is very dusty, contacted consequential troubles including T. B. During the Holi of the year 1996, the concerned workman had gone to his village home in the Giridih District where he fell sick, resulting his confinement to bed. On the morning of 29th March, 1996, during his service tenure, he breathed his last due to complication of his Pulmonary T.B. and Cardio respiratory failure, and he left his wife Dulari Devi, two sons (including the petitioner) and one daughter. Further pleaded that as per the provision of NCWA-V, the widow applied with no objection for her elder major son Ram Chandra Turi's employment in the proper form with full details and papers on 8-10-1996 to the Dy. C.M.E. Project Officer. But the management of Sudamdih Shaft Mines of M/s. BCCL regretted the petitioners employment on vague and irrelevant issue, hence the case has arisen for adjudication following its reference to this Tribunal.

3. The dependant petitioner, who is the son of late Sahadeo Turi (ex-employee of Sudamdih Shaft Mine of M/s. BCCL, is entitled for his employment under clause 9-3-2 of NCWA-V after 30 days of filing of his employment papers.

4. Whereas the case of the management is that the issuance of Service Excerpts in favour of the petitioner's father late Sahadeo Turi (Ext. W-2) is admitted, conceding to the facts of appointment and his superannuation as part of the records of the company concerned. Denying specifically the aforesaid facts of the case of the petitioner, it has been pleaded on behalf of the management that aforesaid Sahdeo Turi, Ex-PRW was chargesheeted (Ext. M-1) for his unauthorised absence from 5-4-92 to 29-6-95 as per clause 26.1.1 of the Certified Standing Order

of the Company. Late Workman Sahadeo Turi had also filed his reply to it as Ext.M-2. Finding his reply unsatisfactory, the disciplinary authority concerned decided to hold a domestic enquiry against him for the said charges. Accordingly Shri H. K. Chaudhury, Dy. Personnel Manager as Enquiry Officer with the aid of Shri T. K. Singh, Grade-I Clerk as Presenting Officer held the enquiry on 31-7-95 in accordance with the law, and thereafter an enquiry report, Ext.M-3 was submitted holding the concerned workman guilty of habitual absentism. On perusal of the aforesaid enquiry report as well as the note sheet (Ext.M-4) the Disciplinary Authority having satisfied with the enquiry report put the concerned workman in the Badli list as Badli worker and accordingly the order of punishment to him was issued to the workman by the Disciplinary Authority (Ext.M-5). Further it has been stated on behalf of the management that as per the CIL's letter No. CIL/III/JBCCI/556-61 dated 2-7-85 which was decided that the dependants of the casual, temporary, badli worker who die or become permanently disabled cannot claim the benefits of Clause 9.4.2 of NCWA-III, as they being not permanent employee of the company; as per the policy decision of the CIL, the management communicated of the decision to the petitioner Ram Chandra Turi that since his father was a Badli worker so his claim for employment on compassionate ground was not tenable.

5. FINDING WITH REASONS

In this case WW-1 Ramchandra Turi, the petitioner on behalf of the sponsoring union and MW-1 H.K. Chaudhury on behalf of the management have been examined. Each of them has proved their respective documents available on the case record.

6. On going through the evidence, oral and documentary both adduced on behalf of the parties, the following facts are undisputable :-

I. The present petitioner's father Sahdeo Turi, P.R.M., P.No. 128 was a Miner/Loader at Sudamdih Colliery under the employer. He was a permanent worker. His Service Excerpt dated 11-6-87 (Carbon copy marked as Ext. W-2) and I.D. Card (laminated) (I.D. Card in original as Ext. W-3) both of which explicitly display 22nd August, 1945 and 31st January, 1973 as his date of birth and date of employment in the aforesaid capacity respectively as well as his C.M.P.F. Account No. D-/543764. The death Certificate of Shri Sahadeo Turi as Ext. W-1 proves his death on 29-3-1996 due to complications of Pulmonary T. B. as well as Cardio Respiratory failure during the tenure of his aforesaid permanent service as Miner/Loader under the management concerned.

II. The attendance of the employee/workman Sahdeo Turi as P.R.M. in the last 3 years 1992, 1993 and 1994 were 123, 147 and 144 days respectively and in 1995 he again proceeded on 7 days E.O. on 28-3-95, came with

Medical sick certificate from 5-4-95 to 1-7-95 as apparent from the note sheet marked as Ext.M-4 Photo-copy of the alleged domestic enquiry conducted by H.K. Chaudhury, the then Dy. P.M. (Administration).

III. It is an admitted fact that in response to the chargesheet dated 12-7-95 (Ext.M-1), the employee Sahadeo Turi, P.R.M.submitted his reply on the following date i.e. on the 13th July, 1995 under his L.T.I. (its photo copy marked as Ext.M-2) in connection with the alleged domestic enquiry against him.

7. The Schedule of the dispute under adjudication acts upon the consideration of its incidental/intrinsic point whether the status of the permanent employee Sahadeo Turi, PRW, reduced to that temporary employee under badli list as per clause 17.8 of the Certified Standing Order (C.S.O) at the time of his death during the tenure of his service by holding alleged domestic enquiry against him.

8. In view of the case of the workman as sponsored by the union concerned, oral and documentary evidence as adduced on behalf of both the parties, namely the petitioner Shri Ram Chandra Turi (WW-1) and the management, the case involves the following two points for proper adjudication, namely :

(a) Whether the alleged domestic enquiry against the then workman (Sahadeo Turi), father of the dependant petitioner for his alleged misconduct of absentism was held fairly, properly and in accordance with the principles of natural justice.

(b) Whether the action of the management in refusing the employment to the dependant of aforesaid Sahadeo Turi, Ex-PRW on compassionate ground was legal or justified.

Point (a)

At this point, the evidence of solitary MW-1 Mr. H. K. Chaudhury, the then Dy. Personnel Manager (Administration) as an Enquiring Officer manifests that the aforesaid workman (Sahadeo Turi) was issued Chargesheet (Ext.M-1) for remaining absent from duty unauthorisedly in the year 1995, and the workman submitted his reply (Ext.M-2); since his reply being unsatisfactory the Disciplinary Authority decided to hold the domestic enquiry against him and accordingly he (MW-1) appointed to hold the domestic enquiry. Further that the witness has stated that after completion of the domestic enquiry, he had submitted the enquiry report as Ext. M-3, because he was found guilty and accordingly the notesheet (Ext.M-4) was prepared by the Disciplinary Authority, It bears the signature of all authority concerned and accordingly the order of punishment (Ext.M-5) was issued by the Disciplinary Authority. To this witness, there is a circular dated 2nd July, 1985 marked Ext.M-6 which stipulates that “the dependants of badli workman, who die cannot claim

the benefits of clause 9.4.2 of NCWA-III, they being not permanent employees of the company”, so the management did not provide employment to the dependant of the deceased workman on compassionate ground. The perusal of the aforesaid alleged circular (Ext.M-6) reveals that it is a letter dated 2nd July, 1985 issued by the CIL, Coal Bhawan, Kolkata-I and the same was issued in response to the letter dated 18-7-1985 of Shri A. P. Singh, the Chief of Personnel, E.C.L. Sanctoris.

On the scrutiny of the enquiry report (Ext.M-3), I find that the aforesaid witness of the management has not stated either in his evidence nor in his enquiry report whether he had recorded the evidence of any witness on behalf of the management in the domestic enquiry against the aforesaid workman for the alleged charges of misconduct. Besides that it is apparent from the chargesheet (Ext.M-1), Sahadeo Turi was alleged to be continuously absent from work for more than 10 days without permission and satisfactory cause with effect from 5-4-95 to 29-6-95 and secondly he was charged with habitual absence without leave or without sufficient cause. But in view of the admitted facts as apparent from the notesheet(Ext.M-4) the workman concerned had proceeded on 28-3-95 on 7 days E.L. i.e. from 29-3-95 to 4-4-95 which was granted by the management. It is also undisputable fact that the workman present with medical sick certificate from 5-4-95 to 1-7-95 as stated in the aforesaid notesheet (Ext.M-4) and the plea of submitting the, medical certificate was for his seriously falling sick. He also stated in his replay to the chargesheet (Ext.M-1). So the alleged allegation of his absentism for the aforesaid disputed period was properly seems to have justified by him (Sahadeo Turi). From the nature of the domestic enquiry against the workman Sahadeo Turi appears to be against the settled and cardinal principles of natural justice, because alleged domestic enquiry suffers from unfairness, impropriety as well as malafide, because of the fact that despite of the existence of continuous service of the workman as defined under Section 25B of the I.D.Act 1947, his permanent status of (PRW) was reduced to that of badli worker vide Ext.M-5. I am of the view that cardinal principles of the labour jurisprudence enjoins upon the employer to hold the domestic enquiry against the workman honestly and bonafide and with care and caution that such enquiry does not become empty formality. The report of the enquiring officer is palpably “ipse dixit” in otherwords he himself has stated it. The instant act of the management is a glaring example of injustice not only against the workman but also against his son dependant.

Point (b)

Considering the aforesaid admitted facts, I find the evidence of the petitioner Ram Chandra Turi appears to be

quite supportive to his claim for his employment on the compassionate ground, he has submitted his prescribed application form to the management along with the enclosures namely the death certificate of his father Sahadeo Turi (the workman) and his affidavit as well as the affidavit of his mother Dulari Devi (wife of late Sahadeo Turi (Ext.-4), (Ext.W-4/1) who declared her no objection to it and this application lies under clause 9.4.2 of NCWA-III which clearly provides for the employment of one dependant like the present petitioner son of the deceased worker who dies while in service. The Service Excerpt of the deceased workman Sahadeo Turi (Ext.W-2) bears the name of the petitioner Ram Chandra Turi as well as other heirs of the deceased.

Mr. U. N. Lal, Ld. Advocate for the management relying upon the authority 2004 (1) JLJR (employer in relation to the management of Dharmaband Colliery -versus Presiding Officer) page 365 (SB) submitted as held therein, that in respect of compassionate appointment under clause 9.4.3 of NCWA-III dependant of a casual worker is not entitled for compassionate appointment. So the Award of the Tribunal being wrongly directed was quashed (paras 3 to 6). But in view of the aforesaid finding by this Tribunal on the basis of the evidence adduced on behalf of both the parties I find the aforesaid authority appears to be inapplicable to the present case under adjudication, because the workman concerned namely, Sahadeo Turi, the father of Ram Chandra Turi (the petitioner) was not a casual worker or temporary worker rather he was a permanent worker as P.R.W. (Miner/Loader) of the management concerned during the career of his service.

On consideration of the aforesaid preceding facts as well as the laws prevalent in the industrial areas, I find and hold that the action of the management of M/s. BCCL in not providing employment to Ram Chandra Turi, the dependent of his deceased father Sahadeo Turi, Ex-PRW on compassionate ground was not at all legal and justified. The dependant of Sahadeo Turi is entitled to employment on compassionate ground within a period of one month from the date of publication of this Award in the Gazette of India. Rupees ten thousand as compensation is awarded in favour of the dependant but against the management for intentional and malafide delaying his employment on compassionate ground.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 39.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई. सी. एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय सं.-2, धनबाद के पंचाट (संदर्भ संख्या 74/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/86/2004-आईआर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 39.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 74/2004) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. E. C. L. and their workmen, which was received by the Central Government on 6-12-2010.

[No. L-20012/86/2004-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) DHANBAD

PRESENT

Shri Kishori Ram,
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

Reference No. 74 of 2004

PARTIES : Employers in relation to the management of
Mugma Area of M/s. E.C.L. and their workmen.

APPEARANCES

On behalf of the workman : None

On behalf of the employers: None

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 22nd Nov., 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/86/2004-IR (CM-I), dated 2nd July, 2004.

SCHEDULE

“ Whether the action of the management of Hariajam Colliery of M/s. ECL, in dismissing Sri Jugat B.P. UG Loader from the services of the company vide order

dated 21/23-10-2003 is fair & legal ? If not to what relief is the concerned workman entitled ?”

2. The case under reference relates to the dismissal Shri Jugat B.P., U.G. Loader from the services of the company/employer of Hariajam Colliery of M/s E.C. Ltd.

3. Neither Mr. D. K. Verma, Ld. Advocate for the management is present nor Mr. K. Chakravorty, Ld. Advocate for the workman is present, but to-day the workman, employee himself appeared and filed a photo copy of his previous petition dt. 10-11-09 along with a photo copy of the Office Order dated 11-9-2010 of the Dy. C.M.E. concerned, Khudia Colliery and submitted that he is not in a position to contest the case, as he has been reinstated or allowed to join duty as U.G. Loader at Khudia Colliery with immediate effect.

4. Perused the case record. It is evident from it that it has been fixed for evidence of the management on preliminary point and registered notices were issued on 28-10-2010 to both the parties. The original petition of this petitioner under his L.T.I. for not contesting the case is also available on the case record.

5. In view of the aforesaid facts and circumstances I find that the industrial dispute under reference is not any more in existence between the parties because he has been allowed to join his duty as U.G. Loader at Khudia Colliery with immediate effect as per order of the management concerned. Accordingly the case is closed and order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 40.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.एम. पी.डी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 89/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-10 को प्राप्त हुआ था।

[सं. एल-20012/480/93-आईआर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 40.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 89/94) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad as shown in the Annexure in the

Industrial Dispute between the employers in relation to the management of M/s. CMPDI and their workmen, which was received by the Central Government on 6-12-2010.

[No. L-20012/480/93-IR (C-I)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1 DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of the I. D. Act.

Reference No. 89 of 1994

Parties : Employers in relation to the management of
M/s. Central Mine Planning and Design
Institute Ltd., Ranchi

And

Their Workmen.

Present : Shri H. M. Singh, Presiding Officer.

Appearances:

For the Employers: Shri B. K. Sinha, Dy. Manager (P).

For the Workman: Shri K. N. Singh, Asstt. General
Secretary, NCWC.

State : Jharkhand

Industry : Coal.

Dated, the 24-11-2010

AWARD

By Order No. L-20012/480/93-IR (Coal-I), dated 8-4-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“ Whether the action of Management of M/s. Central Mine Planning and Design Institute Ltd., Ranchi is justified in terminating the service of Shri Om Prakash w.e.f. 20-11-91 who has worked as Sweeper/Sweeper Mate w.e.f. 3-5-88 to 20-11-91 through contractor when other 17 junior contract labour engaged as Sweeper have been regularised in Cat.I as Sweeper w.e.f. 1-4-91? If not, to what relief the workman is entitled ?”

2. The case of the concerned workman, in short, is that he rendered continuous and regular service w.e.f. 3-5-88 till he was arbitrarily, unreasonably and whimsically prevented from attending his normal duties w.e.f. 20-11-91,

and without any notice and in gross violation of Section 25-F and 25-G of the I.D. Act, 1947. It has been submitted that exactly in similar nature of job certain junior workman who raised industrial dispute have been regularised. The concerned workman was all along assured of his regularisation and even on 20-11-91 while arbitrarily and illegally preventing him from attending to his normal duties, he was assured regularisation as was done in similar cases. Having failed all efforts and hope of the management finding reason, the workman raised an industrial dispute which has been referred for adjudication. It has been stated that the employment of the workman on jobs of sweeping and cleaning through Contract Labour was prohibited w.e.f. 1-3-77 under the relevant Act. On or after 1-3-77, the Public Sector, CMPDI could not have legally employed any workman as so-called Contract Labour. The concerned workman was working in prohibited category of job and the alleged contractor was neither possessing any licence nor the management possessing registration certificate as per Contract Labour (R & A) Act, 1970. So the concerned workman shall be deemed to the employee of the management.

It has been prayed that this Hon'ble Tribunal be pleased to answer the reference in favour of the concerned workman.

3. the case of the management, in short, is that the present reference is not legally maintainable. It has been stated that a memorandum of settlement was signed on 7-10-91 and it was agreed upon between the parties of the settlement except the concerned workman that the claim of no other person will be raised by the union nor will be considered by the management for regularisation/appointment. At that time name of the concerned workman was not brought to the notice of the management. The concerned workman was employed as Supervisor by the Contractor to get the work done by contractor's labourers. The management is having its own sufficient number of sweepers and in addition to that Ranchi Municipal Corporation provides their sweepers on payment for the work of the management, as such, no further sweeper is required by the management. It is not correct and strongly denied that the concerned workman was doing the job of sweeper. He was employed by the Contractor as a supervisor, he was not an employee of the management. There does not exist any master and servant relationship. Being a Government Company it has to abide by the provision of Employment Exchange (Compulsory Notification) Act and appointment has to be taken accordingly. Merely completion of 240 days attendance does not create any right to regularisation. The concerned workman was never employed by the management, as

such, there was no question of termination as alleged and further there is no question of reinstatement as claimed.

It has been prayed that this Hon'ble Tribunal be pleased to pass an award in favour of the management holding that the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. During the pendency of the present case the concerned workman, namely, Om Prakash Singh died on 8-2-1995 and in view of the death of the concerned workman his wife, namely, Sita Devi substituted herself as party to the proceeding.

6. On behalf of the concerned workman Smt. Sita Devi, wife of late Om Prakash, has been examined as WW-1. On behalf of the concerned workman WW-2, K.N. Singh has been examined.

Management has produced MW-1, Binod Prasad.

The concerned workman has produced documents which have been marked as Exts. W-1 to W-11.

7. The main argument advanced on behalf of the concerned workman is that the concerned workman was working in CMPDIL, Ranchi, as Sweeper alongwith 17 other sweepers who have been regularised by the management who are also contract labour, but the concerned workman was not regularised. He was doing the permanent nature of job as sweeper which cannot be done by the contract labour as per Contract Labour (Regulation & Abolition), Act, 1970.

8. The representative of the management argued that the concerned was an employee of the contractor and he was not employed by the management. He was receiving payment from the contractor and working under the supervision and control of the contractor. So he cannot be taken to be an employee of the management.

In this respect management's witness MW-1, Binod Prasad, has stated in his cross-examination that presently all the aforesaid 17 workmen are working as sweeper under the management and earlier to that they were working under the contractor and used to perform miscellaneous jobs, such as, sweeping, cutting the grass, removing the bushes etc. This statement of MW-1 shows that other 17 workmen who were working as sweepers have been regularised by the management, except the concerned workman. It has also been argued that the concerned workman was doing supervisory work, so he cannot be regularised. He was working as munshi of the contractor to supervise the work of sweepers who were working with

him. This will not effect his status as sweeper. Moreover, 17 persons, as per Ext.W-7, have been regularised by the management which includes Ashok Paswan and Krishna Sahu after entering into a settlement, before the tribunal in Reference No. 36/91 arrived at by the workmen and the management.

9. As per Ext.W-9, Contract Labour (Regulation & Abolition) Act, 1970, clause 11.5 the contract labour has been abolished regarding permanent nature of job and sweeping work is permanent nature of job for which contract labour cannot be employed. Ext.W-8 is settlement by the management and the workman/union which has been notified by the Govt. of India as per Ext.W-7.

10. considering the facts and circumstances stated above, I hold that the concerned workman, who died on 8-2-1995 as per Ext.W-1, was working with the management under the contract labour as sweeper which is permanent nature of job with 17 other persons. That job of sweeping cannot be done by contract labour as it is prohibited category of job and they should be deemed to be employees of the management. Moreover, 17 workmen doing similar nature of sweeping job, have been regularised. So, the concerned workman is also entitled for regularisation from the date of his termination of service w.e.f. 20-11-1991 with full back wages till his death on 8-2-1995. According, the management is directed to pay the dependent of the late concerned workman, namely, Sita Devi full back wages from 20-11-91 to 8-2-1995 (date of death) with all consequential benefits.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 41.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2, धनबाद के पंचाट (संदर्भ संख्या 165/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/102/2001-आईआर(सी-1)]
डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 41.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 165/2001)

of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s.B.C.C.L.and their workmen, which was received by the Central Government on 6-12-2010.

[No. L-20012/102/2001-IR (C-I)]

D. S. S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), DHANBAD

PRESENT : Shri Kishori Ram, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

Reference No. 165 of 2001

Parties : Employers in relation to the management of Sudamdih Coal Washery of M/s. BCCL and their workman.

APPEARANCES

On behalf of the workman : None

On behalf of the employers: Mr. D.K. Verma, Advocate.

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 19th Nov., 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/102/2001-IR(C-I), dated, the 18-5-2001/24-5-2001.

SCHEDULE

“ Whether the demand of the BCKU from the management of BCCL, Sudamdih Coal Washery for regularising Shri Shankar Kumar to the post of Fitter Helper in Excavation Cat. ‘E’ is justified ? If so, to what relief is the workman entitled and from what date ?”

2. This case relates to the regularisation of Shri Shankar Kumar to the post of Fitter Helper in Excavation Cat. ‘E’ under the management of BCCL, Sudamdih Coal Washery.

3. To -day Mr. D. K. Verma, Learned Advocate for the management is present but neither Learned Advocate for the workman nor any representative of the union is present despite registered notices issued dated 29-10-2010.

4. Perused the case record. It has been pending for hearing for order over the petition filed on behalf of the workman on 16-11-09. Heard Ld. Counsel for the management over it. It is submitted on his behalf that since the petitioner has prayed in his aforesaid petition for passing 'No dispute' Award on the ground that he is not in a position to contest the case. It is also evident from the case record that the petition was filed by the workman Shri Shankar Kumar under his signature on the very 16th day of November, 2009, mentioning therein about his disinterestedness to contest the case. Under the circumstances, it is useless to proceed with the case. Hence, the case is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 42.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2, धनबाद के पंचाट (संदर्भ संख्या 205/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/207/2001-आईआर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 42.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 205/2001) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 06-12-2010.

[No. L-20012/207/2001-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No.2), DHANBAD

PRESENT : Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

Reference No. 205 of 2001

Parties : Employers in relation to the management of Lodna Area of M/s. BCCL and their workman.

APPEARANCES

On behalf of the Workman : None

On behalf of the Employers: Mr. D.K. Verma, Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 19th Nov., 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/207/2001-IR (C-I), dated, the 11th July, 2001.

SCHEDULE

“ Whether the action of the management of BCCL, Lodna Area in not regularising Sri Chandi Bourin as Store Keeper is justified? If not, to what relief is the workman entitled and from what date ?”

2. This case relates to the regularisation of the workman concerned Chandi Bourin as Store Keeper under Lodna Area of M/s. BCCL, Sudamdih Coal Washery.

3. To -day Mr. D. K. Verma, Ld. Advocate for the management is present but neither the Ld. Advocate for the concerned workman nor the representative of the concerned workman appear despite registered notices dated 29-10-2010. Since the case is pending for further hearing for order over the petition filed on 3-3-09 on behalf of the workman so fresh registered notices were issued to both the parties for hearing over it. But even then the concerned workman Chandi Bourin or his representing union did not appear.

4. Heard the Ld. Advocate for the management over the said petition. He has submitted that the petition has been filed on behalf of the workman for passing 'No dispute' Award on the ground that the management agreed to regularise him in clerical job subject to his undertaking for withdrawal of his case.

5. It is evident from the case record that previously the case was running for the evidence of workman since 13-6-2006 but meanwhile the present petition has been filed on behalf of the workman with the prayer for permission of this Tribunal to withdraw this case and accordingly for passing 'No dispute' Award.

Since the case was referred by the Ministry for adjudication there is no question of withdrawal. Under the circumstances, the plea of withdrawal of the case under reference is sustainable. However, in view of the nature of the latest development prevailed upon between both the parties it is obvious that neither the representative union nor the workman is ready to contest the case. Under the circumstances, the case is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

SCHEDULE

का.आ. 43 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2, धनबाद के पंचाट (संदर्भ संख्या 263/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/228/2001-आई आर(सी-1)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 43.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 263/2001) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure, in the industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 6-12-2010.

[No. L-20012/228/2001-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD**

PRESENT: Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10 (1) (d) of the I.D. Act, 1947.

Reference No. 263 of 2001**Parties:**

Employers in relation to the management of Katras Area of M/s. B.C.C.L. and their workman.

APPEARANCES:

On behalf of the Workman : None

On behalf of the Employers : Mr. D. K. Verma,
Advocate

State: Jharkhand

Industry : Coal

Dhanbad, the 19 November, 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947, has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/228/2001-I.R. (C-I), dated, the 21st Sept., 2001.

“Whether the action of the management of Katras Area of M/s. BCCL, P.O. Sijua, Dt. Dhanbad in not regularising Shri T. K. Ojha, SDL Mazdoor as Loading Clerk is justified? If not, to what relief the concerned workman is entitled and from what date?”

2. This case relates to the regularisation of Shri T. K. Ojha, SDL Mazdoor as Loading Clerk under the management of Katras Area of M/s. BCCL.

3. To-day Mr. D.K. Verma, Ld. counsel for the management is present but none appears on behalf of the workman (T. K. Ojha, S.D.L. Mazdoor), though registered notices were issued on 29-10-2010. Perused the case record and it stands clear that the case fixed for hearing or order over the petition dated 23-1-2009 filed on 20-8-2010.

4. Heard the aforesaid Ld. Advocate for the management over the petition who very submissively expressed his no objection to the aforesaid petition of the sponsoring union in which it is stated not to exist any dispute whatsoever on the ground of settlement of the grievance of the workman/union. So the union does not want to proceed with the case under reference in future. In view of the aforesaid fact that the grievance of the workman/union has been settled so no dispute whatsoever exists in the case for adjudication and accordingly at the disinclination of the union of the workman to proceed with the present case, I think it proper to close the case and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 44.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2, धनबाद के पंचाट (संदर्भ संख्या 232/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/338/2001-आई आर(सी-1)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 44.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 232/2001) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 6-12-2010.

[No. L-20012/338/2001-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD****PRESENT:** Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10 (1) (d) of the I.D. Act, 1947.

Reference No. 232 of 2001**PARTIES :**

Employers in relation to the management of Sijua Kshetra of M/s. B.C.C.L and their workmen.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : None

State: Jharkhand

Industry : Coal

Dhanbad the 19 November, 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act, 1947, has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/338/2001-IR (C-I), dated the 19th Sept., 2001.

SCHEDULE

“Whether the action of the management of BCCL in not regularising Sri Honnan Khan as Clerk is justified ? If not, to what relief the concerned workman is entitled and from what date ?”

2. This case relates to the regularisation of Sri Honnan Khan as Clerk under the management of Sijua Kshetra of M/s. BCCL.

3. None of the parties appear today despite registered notices dated 29-10-2010.

4. Perused the case record, and it transpires that the case was fixed for evidence of workman on 13-9-2006 and the Presiding Officer was on leave and again it was fixed for evidence of the workman on 8-3-2007. Previously on 20-8-2010 it was ordered that there is no scope to proceed with the case. Further in view of the petition dated 27-1-2009 filed on 10-5-2010 that there was likelihood of settlement, so the sponsoring union declined to contest the case and accordingly it was ordered no dispute award be passed presuming non-existence of any dispute between the parties. Hence, the case is closed and accordingly order is passed presuming non-existence of the industrial dispute between the parties.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 45.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-2, धनबाद के पंचाट (संदर्भ संख्या 305/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/424/2001-आई आर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 45.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 305/2001) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 6-12-2010.

[No. L-20012/424/2001-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD****PRESENT:** Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10 (1) (d) of the I.D. Act, 1947.

Reference No. 305 of 2001**PARTIES :**

Employers in relation to the management of West Jharia Washery Zone of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Mr. D. K. Verma,
Advocate

State: Jharkhand

Industry : Coal

Dhanbad, the 19th November, 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act, 1947, has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/424/2001-IR(C-I), dated, the 29th November, 2001.

SCHEDULE

“Whether denial of regularisation of Sri Bishwajit Chatterji in the post of clerk by the management of Western Washery Zone Mohuda of M/s. BCCL is justified ? If not, to what relief the concerned workman is entitled and from what date ?”

2. This case relates to the regularisation of Sri Bishwajit Chatterjee in the post of Clerk by the management of Estern Washery Zone Mohuda of M/s. BCCL.

3. To-day Mr. D. K. Verma, Ld. Counsel for the management is present but none appears on behalf of the workman (Bishwajit Chatterji).

4. Heard the Ld. Counsel for the management who has expressed no objection to the petition dated 12-2-2009 filed on behalf of the workman on 20-8-2010, it has been stated therein that the petitioner is not interested to contest the case, so order be passed. It is obvious from the persual of the case record that previously the case was running for the cross-examination of MW-1 (Harendra Mishra) for the management. Meanwhile, as the order sheet dated 12-5-2010 of the filed relates to the petition dated 12-2-2009 earlier filed on behalf of the workman/sponsoring union for passing 'No dispute' Award. In view of the aforesaid petition, Ld. Predecessor Presiding Officer, Incharge of the Tribunal was pleased to pass an order that since the workman/sponsoring union is not interested to contest the case so there is no reason to drag on the case further and the management also had no object. So accordingly 'No Dispute' Award be passed presuming non-existence of any dispute between the parties.

Under the circumstances, I find that the petitioner is not interested to contest the case for the reason best known to him. Therefore, the case is closed and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 46.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 251/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/117/94-आई आर(सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 46.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 251/94) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 6-12-2010.

[No. L-20012/117/94-IR(C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1) AT DHANBAD

In the matter of an reference under Section 10 (1) (d) (2A) of the I. D. Act,

Reference No. 251 of 1994.

PARTIES : Employers in relation to the management of Nudkharkee Colliery of M/s. B.C.C.L

and

their workmen.

PRESENT: Shri H. M. SINGH, Presiding Officer

APPEARANCES :

For the employers : Shri D. N. Prasad,
Advocate.

For the workman : Shri N. G. Arun.

State: Jharkhand

Industry : Coal

Dated, the 15th November, 2010

ORDER

By Order No. L -20012/117/94- IR (Coal-I), dated the 25th October, 1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the Chief General Manager, Block-II Area of M/s. BCCL, P.O. Nawagarh (Dhanbad) in denying employment to Smt. Basanti Bhuini of late Sheo Prasad Bhuia, Miner/Loader is justified ? If not, to what relief is the dependent entitled ?"

2. Written statement has been filed on behalf of the concerned workman stating that Sheo Prasad, concerned workman was engaged in the capacity of miner/loader since 1977 in Nudkharkee Colliery under Block-II Area of M/s. BCCL. He became seriously indisposed in the September, 1979 and as an effect of his illness he died on 21-9-79. The concerned workman left behind his wife, Smt. Basanti Bhuini and children and there is no one to look after them. The matter was brought to the notice of the colliery management for employment of the widow, Smt. Basanti Bhuini. The widow had also submitted a petition before the Area management on 21-12-90 for providing employment under clause 9.4.2 of NCWA. Having failed to receive any reply from the management the widow approached the union of the workman, namely, Rashtriya Colliery Mazdoor Sangh who took up to the matter with the management but to no effect. Thereafter, the union on behalf of the concerned lady raised an industrial dispute vide letter dated 10-5-93 before the A.L.C. (C), Dhanbad, which ended in failure and thereafter the dispute has referred to this Tribunal for adjudication by the Govt. of India, Ministry of Labour. It has been submitted that

Late Sheo Prasad Bhuia, miner/loader continued in employment in Nudkharkee Colliery during 1977, 1978 and 1979 respectively before he died on 21-9-79. On the basis of the provision of NCWA the management ought to have provided employment to his dependent, i.e. his widow, Smt. Basanti Bhuini. But the management has not provided employment to Smt. Basanti Bhuini. She has got no other source of income nor has got any relative who can support her in distress.

It has been prayed before this Hon'ble Tribunal to pass an award by directing the management to provide employment to Smt. Basanti Bhuini, widow of Late Sheo Prasad Bhuia.

3. Written statement has been filed by the management stating the present reference is not legally maintainable as there is employer employee relationship exists between the management and Smt. Basanti Bhuini and as such no industrial dispute can be raised on her behalf. It has been submitted that Late Sheo Prasad Bhuia was never a member of the sponsoring union during his lifetime and as such the sponsoring union has no locus standi to raise any dispute on the matter of Late Sheo Prasad Bhuia. Late Sheo Prasad Bhuia was a badli miner/loader and his employment was depended on the exigencies of circumstances of temporary vacancies from time to time. He had no right to demand for regular employment of miner/loader and it was at the option of the management to provide him job at its own discretion during leave and sick vacancies of permanent miner/loader. The concerned lady claims to be the wife of Late Sheo Prasad Bhuia cannot demand for her employment as his dependant. The concerned lady cannot be employed in the capacity of miner/loader in a coal mine and as such she is unsuitable to be provided with employment as badli miner/loader. Late Sheo Prasad Bhuia had worked as badli miner/loader in the years 1977 and 1978. He was never made permanent. It has been alleged that he died on 21-9-1979. The concerned lady never raised any dispute in the past and for the first time the present dispute has been raised at a belated stage.

It has been prayed that this Hon'ble Tribunal be pleased to pass the award holding that the concerned lady is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying some of the contents of each other's written statement.

5. The concerned lady, Smt. Basanti Bhuini, examined herself as WW-1 and produced documents which have been marked as Exts. W-1 to W-7.

The management has produced MW-1, B.L. Srivas. No document has been produced on behalf of the management.

6. Main argument advanced on behalf of the concerned lady, Smt. Basanti Bhuini is entitled for appointment on compassionate ground in place of her husband, Late Sheo Prasad Bhuia, miner/loader as per clause 9.4.2 of NCWA. Her application was recommended and forwarded by the colliery management to Area

management. But when the management did not offer her employment an industrial dispute was raised.

7. Management has argued that there is no employer employee relationship between the management and the concerned lady. Late Sheo Prasad Bhuia was never a member of the sponsoring union during his lifetime and as such the sponsoring union has no locus standi to raise any dispute. It has also been submitted that Sheo Prasad Bhuia was a badli miner/loader and his employment depends on exigencies of temporary vacancies from time to time. He had no right to demand for regular employment of miner/loader and it was at the option of the management to provide him job at its own discretion during leave and sick vacancies of permanent miner/loader. As Late Sheo Prasad Bhuia has no existing right to demand for regular employment, the wife of Late Sheo Prasad Bhuia cannot demand for her employment as his dependent. It has been submitted that the concerned lady cannot be employed in the capacity of miner/loader in a coal mine and as such she is unsuitable to be provided with employment as badli miner/loader, which post Late Sheo Prasad Bhuia was holding during his lifetime.

8. In this respect the evidence of WW-1, Smt. Basanti Bhuini, is very much material. She has stated in cross-examination that "I do not know his permanent home address". This shows that it is doubtful if she was the wife of Late Sheo Prasad Bhuia or not. There is no paper which has been filed by her to show that she was the wife of Late Sheo Prasad Bhuia. It has also been stated by her in cross-examination that "I cannot say when he was employed. I have filed paper regarding his death on 19-9-79". It shows that she does not know the date of her husband's death. She has again stated "I cannot say my age. I do not know the contents of my affidavit." It only shows that she does not seem to be the wife of Late Sheo Prasad Bhuia. The application does not show that she is the wife of Late Sheo Prasad Bhuia. No paper has been filed Late Sheo Prasad Bhuia which may show that his wife's name is Smt. Basanti Bhuini. Moreover, the lady cannot be employed as miner/loader and there is no document which may show that Sheo Prasad Bhuia was the permanent employee of the management. He was badli Miner/Loader. On death of such an employee a dependent cannot claim employment in a permanent nature of job.

9. Considering the above facts and circumstances I hold that the action of the Chief General Manager, Block-II Area of M/s. BCCL, P.O. Nowgaurh, Distt. Dhanbad, in denying employment to Smt. Basanti Bhuini of Late Sheo Prasad Bhuia, Miner/Loader, is justified and accordingly, the concerned lady is not entitled to get any relief.

This is my award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 47.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी.

सी. एल. के प्रबंधन के संबंध में निम्नलिखित नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 103/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/14/92-आई आर(सी-1)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 47.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 103/92) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 06-12-2010.

[No. L-20012/14/92-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1) AT DHANBAD

In the matter of a reference M/s. 10 (1) (d)(2A) of I.D. Act,

REFERENCE No. 103 of 1992.

Parties : Employers in relating to the management of Tetulmari Colliery of M/s. B.C.C.L Ltd.

AND

their workman.

PRESENT : Shri H. M. SINGH, Presiding Officer

APPEARANCES :

For the Employers : Shri H. Nath, Advocate

For the Workman : Shri U. P. Sinha,
Advocate

State: Jharkhand **Industry :** Coal

Dated, the 19th November, 2010

AWARD

By Order No. L -20012(14)/92- I.R. (Coal-I), dated 15-9-1992 The Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Tetulmari Colliery in terminating the services of Shri Raj Kumar Yadav alias Shri Gobardhan Mahto is justified ? If not, to what relief the workman is entitled ?”

2. According to the written statement of the concerned workman, he was working in Tetulmari Colliery much before the nationalisation of the colliery as Raj Kumar Yadav and his father's name is Dibakar Mahto alias Yadav.

Therefore, the management has failed to prove that the concerned workman was working in that colliery by impersonating himself as Raj Kumar Yadav. On the other hand, there is material to show that the concerned workman has got two names, one is Gobardhan Mahato and other Raj Kumar Yadav, both son of Dibakar Mahato.

The management has failed to prove the alleged misconduct of impersonating and deceiving the management in any manner. The management has also not produced any duty chart or attendance register to show that the concerned workman was absent for more than ten days without reasonable or sufficient cause.

In such circumstances the Tribunal decided the reference case on 10-8-2006 in favour of the workman by holding that he is entitled for reinstatement with full back wages and other consequential benefits. Against that order the management moved before the Hon'ble High Court by writ petition No. W.P.(L) No. 1333 of 2007 upheld the order passed by this Tribunal regarding reinstatement of the concerned workman, but has directed regarding back wages considering whether the workman was gainfully employed during that period or not.

In this respect the concerned produced himself as WW-1 (Raj Kumar Yadav) and he has stated that I was working in Tetulmari Colliery since 1973 and dismissed in the year 1988. He also stated that from the date of dismissal till retirement he was not re-employed and never worked anywhere. There is no evidence by the management that he was re-employed or working anywhere.

3. Argument advanced on behalf of the management that the concerned workman has got five sons, but that is not the ground because a person who has got five sons, was maintaining his family. There is no evidence produced by the management to show that he was employed anywhere or was working anywhere. In the circumstances it has been proved he was not gainfully employed anywhere.

4. The concerned workman referred law laid down by Hon'ble Supreme Court reported in (2009) Supreme Court cases (I&S) 595 in which Hon'ble Supreme Court laid down that the burden to show that the workman was gainfully employed during the interregnum period was on the employer. The Supreme Court in a number of decisions opined that grant of back wages is not authentic. The burden of proof that he remained unemployed would be on the workman keeping in view the provisions contained in Section 106 of the Evidence Act, 1872. Once the employees discharged their burden by deposing before the Tribunal that they remained unemployed during the interregnum period, the burden shifted to the employer to show that the contention of the employees that they had not been employed, was incorrect. No witness was examined on behalf of the employer. There was even no pleading in that behalf.

The fact that the workman survived and did not die of starvation itself could not be ground for denying back wages to them. Even an unemployed person has a right to

survive. He may survive on his past savings, He may beg or borrow but so long as he has not been employed, back wages, subject to just exception, should not be denied. So, as per law laid down by the Hon'ble Supreme Court the concerned workman is entitled for full back wages as he has discharged burden by proving and deposing that he remained un-employed during the period of idleness. The management is directed to pay the concerned workman full back wages from the date of termination of service till reinstatement.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 48.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं.-1, धनबाद के पंचाट (संदर्भ संख्या 190/29) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-2010 को प्राप्त हुआ था।

[सं. एल-20012/58/89-आई आर(सी-1)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 48.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 190/89) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 6-12-2010.

[No. L-20012/58/89-IR (C-1)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1 AT DHANBAD

PRESENT: Shri H. M. Singh, Presiding Officer

In the matter of an Industrial Disputes under section 10 (1) (d) of the I.D. Act, 1947.

REFERENCE No. 190 of 1989.

PARTIES : Employers in relation to the management of Teturiya Colliery of M/s. B.C.C.L and their workman.

APPEARANCES:

On behalf of the workman : Mr. D. mukherjee,
Secretary,
Bihar Colliery Kamgar Union

On behalf of the Employers : None.

State: Jharkhand

Industry: Coal

Dated, Dhanbad the 18th November, 2010

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947, has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/58/89- IR (Coal-I), dated, the 27th November, 1989.

SCHEDULE

“Whether the management of M/s. BCC. Ltd. in relation to Teturiya Colliery in Area No. III through the General Manager Govindpur Area III is justified in promoting the workman Shri Kameshwar Singh as Lamp Room Incharge w.e.f. 13/19-1-88 and denying the promotion to the workman Shri Banshi Barhi Lamp Fitter on the post of Lamp Room Incharge ? If not, to what relief Shri Banshi Barhi is entitled to ?”

2. In the Written Statement filed on behalf of the concerned workman, it has been stated that Shri Bansi Barhi has been working as Lamp Fitter since long with unblemished record of service. He was sent by the management for training about the Cap Lamp for Macmeill & Magor Limited, Kilburn Division Disergarh and he has completed his training successfully in the year 1969. The management was taking the service of Cap Lamp Room Incharge from the concerned workman due to his training and experience. Thereafter the concerned workman represented before the management for his regularisation as Cap Lamp Room Incharge and the management appreciating the legal claim of the concerned workman assured him to regularise but at that time the management showed its inability for regularisation of the concerned workman to the post of Cap Lamp Room Incharge on the ground of no vacancy. It has been alleged on behalf of the concerned workman that though the management refused to regularise the concerned workman as Cap Lamp Room Incharge on the ground of no vacancy but one Kameshwar Singh has been regularised/promoted to the post of Cap Lamp Room Incharge in the same Area denying the claim of the concerned workman.

3. It has been further alleged that the action of the management in not regularising/promoting the concerned workman to the post of Cap Lamp Room Incharge was not only illegal and arbitrary but also vindictive in nature. Thereafter the union of the concerned workman raised industrial dispute before the ALC (Central), Dhanbad which ultimately resulted reference to this Tribunal. It has been prayed on behalf of the workman to pass an Award in favour of the concerned workman directing the management to promote him to the post of Cap Lamp Room Incharge atleast w.e.f. 13/19-1-88 with all arrears of wages and consequential benefits.

4. In the Written Statement filed on behalf of the management it has been stated that the present reference

is not legally maintainable. It has been further stated that Tetturiya Colliery has got two Cap Lamp Cabins. In one Cap Lamp Cabin, the concerned workman Shri Banshi Barhi has been working as Cap Lamp Fitter under the control and supervision of Shri K. C. Dhobi, the Cap Lamp Room Incharge. In another Cap Lamp Cabin Shri Kameshwar Singh was working as Cap Lamp Fitter. There was no Cap Lamp Room Incharge in that cabin and the Asstt. Colliery Manager was directly exercising supervision and control over the said Cap Lamp Room. As Shri Kameshwar Singh was matriculate and capable of maintaining records, he was entrusted with the clerical jobs of a Cap Lamp Room Incharge by the A.C.M. and subsequently authorised to work as Cap Lamp Room Incharge with effect from 21-2-86. He was regularised as Cap Lamp Room Incharge in Tech. Grade-C by order dated 19-1-88. The concerned workman Shri Banshi Barhi is not a matriculate and is not capable to maintain records of Cap Lamp Room. He was never authorised to work as Cap Lamp Room Incharge. He is continuing to work as Cap Lamp Fitter. Therefore, he cannot claim for his regularisation as Cap Lamp Room Incharge.

5. It has been further stated by the management that a workman may be appointed as Cap Lamp Fitter after undergoing certain training course on Cap Lamp maintenance jobs but for his promotion to the job of a Cap Lamp Room Incharge, he must possess minimum qualification of matriculation or must acquire sufficient knowledge and pass the departmental written and practical test to enable him to perform clerical jobs, like maintenance of records and correspondence etc. D.P.C. is constituted for consideration of promotion of Cap Lamp Fitters to the post of Cap Lamp Room Incharge. As there is no scope for comparison between S/Shri Kameshwar Singh and the concerned workman Shri Banshi Barhi in the matter of regularisation, the demand of the concerned workman for the post of Cap Lamp Room Incharge as because Shri Kameshwar Singh has been regularised is without any merit and he is not entitled to any relief.

6. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paras of each other's written statement.

7. Management side in order to substantiate their claim have produced Vidyanand Prasad who has been examined as MW-1. Workmanside has not produced any witness.

8. It has been argued on behalf of the workmanside that Shri Kameshwar Singh who is junior to the concerned workman was promoted by the management as Cap Lamp Room Incharge vide order dated 19-1-88 but the concerned workman who is working as Cap Lamp Fitter has not been promoted. In this respect it has been argued on behalf of the management that qualification of matriculation is essential for promotion to the post of Cap Lamp Room Incharge because Cap Lamp Room Incharge performs the

duties of maintenance of records and making of correspondence pertaining to Cap Lamp Room which cannot be done by the concerned workman because he is not matriculate. So he could not be promoted as Cap Lamp Room Incharge.

9. There is no document filed on behalf of the workmanside to show that the concerned workman has passed the Matriculation examination so that his case may be considered by the management for promotion in the post of Cap Lamp Room Incharge.

10. Moreover, the concerned workman has not appeared before this Tribunal to state on oath that he has passed Matriculation examination. So in the circumstances it shows that the action of the management is justified for not promoting the concerned workman as Cap Lamp Room Incharge from 19-1-88. In the result, the following Award is rendered :—

“The Management of M/s. BCC. Ltd. in relation to Tetturiya Colliery in Area No. III through the General Manager, Govindpur Area No. III is justified in promoting the workman Shri Kameshwar Singh as Lamp Room Incharge w.e.f. 13/19-1-88 and denying the promotion to the workman Shri Banshi Barhi Lamp Fitter on the post of Lamp Room Incharge. Consequently, the concerned workman Banshi Barhi is not entitled to get any relief.”

H. M. SINGH, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

का.आ. 49.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स नेशनल फरेट/कोन्टेक ट्रांसपोर्ट प्रा. लि./पैगासस ट्रांसपोर्ट प्रा. लि./सपिडि ट्रांसपोर्ट लिमिटेड/डोलफिन मैरिन इन्टरप्राइजेज/मारियन फौरवोडिंग कॉरपोरेशन/सुरेश मैकेनिकल वर्क्स/कस्तुरी ट्रांसपोर्ट प्रा. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय 2, मुम्बई के पंचाट (संदर्भ संख्या 2/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-2010 को प्राप्त हुआ था।

[सं. एल-31011/6/2002-आई आर(एम/बी II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 49.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/61 of 2002) of the Central Government Industrial Tribunal-cum-Labour Court 2, Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. National Freight Carriers/M/s. contech Transport Pvt. Ltd./M/s. Pegasus Transport Pvt. Ltd./M/s. Speedy Transport Ltd./M/s. Dolphin Marine Enterprises/M/s. Maryan Forwarding Corporation/M/s. Suresh Mechanical Works/M/s. Kasturi

Transport Pvt. Ltd. and their workmen, which was received by the Central Government on 18-11-2010.

[No. L-31011/6/2002-IR(M)/(B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

PRESENT

Shri A. A. LAD, Presiding Officer,

Reference No. CGIT 2/61 of 2002

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF :

- (1) M/s. STC MOVERS LIMITED (Deleted)
- (2) The Director,
M/s. National Freight Carriers,
333/334/335, Vyapar Bhavan, 3rd Floor;
49, P.D'Mello Road, Carnac Bunder,
Mumbai-400 009.
- (3) The Managing Director,
M/s. Contech Transport Pvt. Ltd,
124, Kashiram Jamnadas Building, 1st floor;
5, P.D'Mello Road, Mumbai-400009.
- (4) The Managing Director,
M/s. Pegasus Transport Pvt. Ltd.,
C-4, Pegasus Transport Pvt. Ltd.
Dr. Shirodkar Marg, Parel (E)
Mumbai-400 012.
- (5) The Director,
M/s. Speedy Transport Ltd.,
BPT 1635, Mansion Road,
Carnac Bunder, Mumbai-400 009.
- (6) The Managing Director,
M/s. Dolphin Marine Enterprises,
STC Building, 275, Reay Road,
Mumbai-400010.
- (7) The Managing Director,
M/s. Maryn Forwarding Corporation,
130, Vyapar Bhavan, P.D'Mello Road,
Mumbai-400009.
- (8) The Managing Director,
M/s. Suresh Mechanical Works,
124, Kashiram Jamnadas Bldg; 1st Flr;
5, P.D'Mello Road, Mumbai-400 009.
- (9) The Managing Director,
M/s. Kasturi Transport Pvt. Ltd.
301/302, Joshi Chambers,
Ahmedabad Street.
Carnac Bunder; Mumbai-400 009.

.....First Party

AND

Their Workmen

The President,
Transport & Dock Worker's Union,
P. D'Mellow Bhavan, P.D'Mello Road,
Carnac Bunder, Mumbai-400038.

.....Second Party

APPEARANCES :

- | | |
|----------------------|---|
| For the Employers | : Mr. B.K. Ashok, Advocate
(5, 6 & 9) |
| For Employers(2) | : Mr. S.N. Chinchwadkar,
Advocate |
| For the Employers | : Mr. B.D. Birajdar, Advocate
(3,7& 8) |
| For the Employer (4) | : No appearance |
| For the Workman | : Ms. Gayatri Singh, Advocate. |

Date of passing the Award: 13-08-2010.

AWARD

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its order No.L-31 0 11/6/2002-IR(M) dated 26th July, 2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the workmen of STC Movers and 9 other Transport Operators, are justified in raising the charter of demands related to wage revision? If yes, to what relief the workman is entitled to?

2. Claim Statement is filed by the Union at Exhibit 16. It is replied by 1st Party (1) by filing its Written Statement at Exhibit 28, by 1st Party (2) at Exhibit 29, by 1st Party (9) at Exhibit 30. Thereafter Written Statement is filed by 1st Party (5) at Exhibit 59, 1st Party (3) and 1st Party (8) at Exhibits 62 and 63 respectively after order passed “No written statement” was against 1st Party (3) and 1st Party (8) was set aside and the matter was posted for filing affidavit by the Union.

3. In the meanwhile Union settled its demands with 1st Party (1) i.e. with M/s. STC Movers Ltd. and accordingly Award was passed on 27-9-2007.

4. The Reference was on recording evidence of the Union and though number of dates were taken by it to lead evidence yet no steps taken nor nobody bothered to appear which lead me to pass the following order:

ORDER

Reference is disposed off for want of prosecution.

Mumbai, the 13th August, 2010

A.A. LAD, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 2010

AWARD

का.आ. 50.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. दमन शिपिंग प्रा. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, मुम्बई के पंचाट (संदर्भ संख्या 119/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-2010 को प्राप्त हुआ था।

[सं. एल-31011/6/2001-आई आर(एम)/आई आर (बी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 6th December, 2010

S.O. 50.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 119 of 2001) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai as shown in the Annexure, in the industrial dispute between the employees in relation to the management of M/s Damani Shipping Pvt. Ltd. and their workmen, which was received by the Central Government on 18-11-2010.

[No. L-31011/6/2001-IR (M)/IR(B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AND LABOUR COURT NO. 2, MUMBAI

PRESENT: A. A. LAD Presiding Officer

Reference No. CGIT-2/119 of 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF:

M/s. Damani Shipping Pvt. Ltd.
205/206, Varma Chambers,
11 Homji Street, Fort,
Mumbai -400 001.

...First Party

V/s.

Their Workmen
The Bombay Transport &
Dock Workers Union, Shroff Mansion, 157 -B,
Room No. 25, 4th floor; P. D. Mellow Road,
Carnac Bunder, Mumbai-400 001.

...Second Party

APPEARANCE

For the Employer : Mrs. N.R. Patankar, Representative

For the Workmen : Mr. P.K. Sharma, Representative

Date of reserving the Award : 21-9-2010

Date of passing the Award : 08-10-2010

The matrix of the facts as culled out from the proceedings are as under :

1. The Government of India, Ministry of Labour by its Order No.L-31011/6/2001-IR(M) dated 22nd November, 2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the demand of Bombay Transport and Dock Workers’ Union, Bombay to regularise the services of 53 workmen as appended in the list after completion of 240 days of service with the Management of Damani Shipping Pvt. Ltd., Mumbai and also demand for pay scales on par with similarly placed workmen and to extend the benefit of weekly off, Dock holidays, casual leave, uniform, pay arrears, medical allowance etc. is legal and justified? If so what relief the workmen are entitled to?”

2. Claim Statement is filed by the Representative of the Union at Exhibit 5 stating and contending that, workers involved in the Reference, who are listed in the list annexed with the Claim Statement, are the workers of the 1st Party and are direct employees of the 1st Party. It is the case of the Union that, they are not made permanent and are deprived of benefits of permanency and benefits of permanent employees. It is contended by the Union that, though they have worked for more than 240 days they are not made permanent employees and are not given benefits as are given to the permanent employees. It is contended by the Union that, there were number of Companies started by the 1st party in different names like Damani Brothers, Carriers Enterprises, Misuster, Crne Services, Demport Transport, Transport Organization, Ami Enterprises etc. and registered address of all these Companies is of 1st Party. It is case of the Union that, though these Companies are run in different names, muster rolls is maintained by 1st Party is monitored by 1st Party only. It is contended by the Union that, major portion of the work of the 1st Party and its sister Companies is confined to the Docks and hence the employees of the 1st Party Companies have to possess Entry Permits for performing their regular and normal work. It is contended by the Union that, as per rule attendance cadre and Dock Entry permits are to be returned at the end of each month before obtaining new attendance cards and Dock Entry Permits. It is contended by the Union that, while Entry Permits are issued by all the Companies to the concerned workmen from time to time, the attendance cards are issued only by M/s. Damani Bros. till the end of December, 1988. It is contended by the Union that, by demand letter dated 3-10-1998 and 22-1-2001 it raised dispute with the 1st Party and its Directors to prepare seniority list of all the concerned workmen and make them permanent from the day they

have completed 240 days with the 1st Party Companies. It is case of the Union that, the pay, wages to the workers on par with similarly placed workers as prescribed under the law and applicable to the port and dock workers and also are to be like as that paid to other similar placed workmen doing identical and similar work etc. However, it is case of the Union that, said demand is not considered by 1st Party. So on this, dispute was raised by 2nd party with Assistant Labour Commissioner (C), Mumbai, praying to direct 1st Party to regularize the workers involved in the Reference with benefits of permanency as well as direct 1st Party to pay their wages at par with other employees who are working on the same post in other Companies. It is contended that, out of those workers 25 were require made permanent from the day on which they completed 240 days with other benefits of permanency. It also prayed to direct 1st Party to give benefits of Casual leave, medical benefit etc. as are made available to the permanent employees on par which are available to other employees.

3. This is disputed by the 1st Party by filing reply at Exhibit 10 stating and contending that, there is no 'employee' 'employer' relationship between the concerned workers and the 1st Party. It is stated that, in the original References there were 53 employees. It is contended that, however second time 25 employees are only praying relief whose list is annexed with the Claims Statement. According to 1st Party whose list is annexed by the 2nd Party, 9 are bogus or benami persons. According to 1st Party workers mentioned at 7, 10, 18 to 22 and 24, 25 are not the genuine workers and persons alive and are not require to consider as regular employees as per the demand of the 2nd Party Union. It is further stated by the 1st party that, these 9 workers stopped for reporting on work. It is further stated by the 1st party that, since 2nd Party is concerned with only 16 employees, 2nd Party has no locus standi to represent the workers and file Claims Statement for others. It is stated that, Shri Vaijnath Poojari assisted by Shri Sayyed M. Bellari are the licenced Contractors engaged by the 1st Party to do casual work in the dock premises for their clients and the said Contractors used to engage the workers on casual basis and these workers may be working as contract workers and they may be casual workers engaged by the said Contractors. Since there is no 'employer' 'employee' relationship these workers cannot claim any relief against the 1st Party. It is contended that, since Contractors Shri Vaijnath Poojari assisted by Shri Sayyed M. Bellari are not made party Reference of the 2nd Party is bad for nonjoinder of necessary parties. It is stated that, 2nd Party has misled this Court while filing Claims Statement. It is prayed that, the Reference require to be rejected on this count alone. It is also stated that, 2nd Party has claimed difference of wages. According to 1st Party such prayer is made by the 2nd Party in the Application filed under Section 33(2)(C)

of the Industrial Disputes Act, 1947 and when it is pending which bears Application No. LC-2/297 of 2001 said prayer cannot be prayed in this form. It is stated that, this Reference is concerned to 52 employees and 2nd Party is representing only 25 employees and out of them some are bogus who are not in existence. So it is prayed that, the prayer prayed by 2nd Party to make the employees permanent employees of the 1st party with benefits on par with other employees who are working in the similar posts in other companies, be rejected.

3. Rejoinder is filed by the 2nd Party at Exhibit 11 disputing the case of the 1st party and praying for grant of the reliefs as prayed in the Claims Statement.

4. In view of the above following Issues were framed at Exhibit 12 which I answer as follows:

ISSUES	FINDINGS
1. Whether the Management proves that reference suffers from non-joinder of necessary parties?	Yes
2. Whether management, company proves that workers as appended in the list are not its employees?	Yes
3. Whether management proves that Reference is not maintainable as averred in para 1 & 2 of the Written statement?	Yes
4. Whether the demand of Bombay Transport and Dock Workers Union, Bombay to regularise the services of 53 workmen as appended in the list after completion of 240 days of service with the management-Company is legal and justified?	No
5. Whether the demand of the Union to make the scales on par with similarly place workmen is legal and justified?	No
6. Whether the demand of the Union to extend the benefit of weekly off, Dock holidays, casual, uniforms, pay on par with similarly places employees.	No
7. What order:	As per the Order passed below.

REASONS:

Issues Nos. 1 to 7

5. By this Reference, 2nd Party pray to make employees permanent who are listed in the Claims Statement and request to give them benefit of permanent employees at par with the workers who are working on similar post in other Company. This is disputed by 1st Party saying that, they are not its' direct workers and there is no 'employee' - 'employer' relationships between them. It is case of the 1st Party that, they are employees of the Contractors viz. Shri Vajinath Poojari assisted by Shri Sayyed M. Bellari who are not made party to the Reference. It is stated that, absence of Contractor in the Reference affect on the prayer and Reference is bad for misjoinder of the necessary parties. It is further stand of the 1st Party that, since there is no 'employer' - 'employee' relationship between the workers involved in the reference and the 1st Party, prayed by the Union cannot be granted.

6. To support that, no evidence of any type is led by the 2nd Party though matter was adjourned time and again on 7 occasions though it was fixed for leading evidence in support of their claim. Since burden was on the 2nd Party to establish that they are direct employees of the 1st Party, and that relationship is challenged they are not entitled for the regularization. In the absence of evidence Reference of the 2nd Party does not sustain and require to reject by answering the above Issues in favour of the 1st party since burden was on 2nd Party which is not properly discharged by leading evidence of any type. In view of the above and the case made out by both I am of the view that, 2nd Party is not entitled for any relief. Hence, the order:

ORDER

Reference is rejected with no order as to its costs.

A.A. LAD, Presiding Officer

Mumbai,

8th October, 2010.

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 51.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑर्डनेन्स फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/184/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-14011/2/2002-आई आर(डी.यू.)]
जोहन तोपनो, अवर सचिव

New Delhi, the 7th December, 2010

S.O. 51.— In pursuance of Section 17 of the

Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/184/02) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ordnance Factory and their workmen, which was received by the Central Government on 7-12-2010.

[No. L-14011/2/2002-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

संख्या/No. 184/2002

दैनिक/DAIRY

दिनांक/Date	प्रदर्श सं. Exhibit No.	प्रगति Progress
(1)	(2)	(3)
45/29-09-10		Issued notice to both the parties, the case is reopened and fixed for final hearing/Argument to 19-11-2010. The case is reopened as the award was not passed by my predecessor though it was cleared for award.
46/19-11-10		Petitioner present, filed pursis that he does not want to proceed with the case further, as he is getting regular pension. Respondent Counsel is present, Copy of pursis served on him. As the petitioner does not want to proceed with the Case. The case is closed and reserved for award. Petitioner : Shri Purushottam Party No.1 B. Gajbhiye Near Rajbhawan Garden, Khatikpura, Sadar, Nagpur

Versus

Respondent/: The Senior

(1) (2) (3)

Party No. 2 General Manager,
Ordnance Factory,
Ambazari,
Nagpur-440021

The Central Government has referred the industrial dispute between the employers in relation to the management of Ministry of Defence, and their workman, Shri Pursottam B. Gajbhiye (here-in-after referred to as the “workman”) for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) (the Act in short), as per letter No.L-14011/2/2002-IR(DU) dated 04-06-2002, with the following scheduled:—

19-11-10 “Whether the action of the management of Senior General Manager, Ordnance Factory, Ambazari, Nagpur in awarding punishment of alleged illegal removal from service by imposing the penalty of compulsory retirement w.e.f. 15/6/2000 to Sh. Pursottam B. Gajbhiye, Ex-Semi Skilled Labourer is legal, proper & Justified? If not, what relief the workman is entitled to and from what date?”

2. The petitioner, instead of filing any statement of claim, filed the pursis stating that he does not want to proceed with the case, as he is getting regular pension from the management. Copy of the pursis has been served on the advocate for the management. In view of the pursis, the reference is dismissed. It may be treated as no award.

J. P. CHAND, Presiding Officer

**BEFORE THE HON'BLE CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL AT
NAGPUR**

CGIT/NGP/18H/02

Party No. 1 : The General Manager
Ordnance Factory
Ambazari

Versus

Party No. 2 : Shri Purushottam Gaybhiye

PURSIS

That, the party No.2 workman does not want to prosecute the matter. As he getting regular pension from the party No.1 employer. Hence this pursis

Nagpur

Dated 19-11-2010

Sd/-

(Party No. 2 Workman)

I know and identify Party No. 2
workman Shri Purushottam Gajbhiye

Sd/-Illegible Advocate

Noted

Sd/- Illegible management

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 52.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जिओलॉजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/83/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-42011/93/99-आई आर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 7th December, 2010

S.O. 52.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/83/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employees in relation to the management of Geological Survey of India and their workman, which was received by the Central Government on 7-12-2010.

[No. L-42011/93/99-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/83/2000

Date: 15-11-2010

Petitioner/ : Shri Vinod Jivtuji Gajbhiye,
Party No.1 Sahapur, Ambedkar Ward,
Bhandara

Versus

Respondent/ : The Drilling Incharge, Geological
Party No.2 Survey of India, Unit No.332, Camp:
Warora, Chandrapur-442907.

AWARD

(Dated: 15th November, 2010)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Geological Survey of India ("GSI" in short) and their workman, Shri Vinod Jivtuji Gajbhiye ("the workman" in short) for adjudication, as per letter No.L-42011/93/99-IR(DU) dated 13-3-2000, with the following schedule:-

"Whether the action of the management of Director (Drilling)/Drilling-in-Charge, Geological Survey of India, Calcutta/Warora Camp in not reinstating, in-to services with full back wages of Sh. Vinod Jivtuji Gajbhiye is legal and justified? If not, to what relief the workman is entitled and from which date?"

2. The workman filed his statement of claim pleading inter alia that he was working with the management of Geological Survey of India, Camp at Warora, District Chandrapur since July, 94 as a daily wager (helper) till the date of his oral termination dt. 19-4-99 and he was getting wages at the rate of Rs. 1323 per month and he was working without any break since his appointment, but instead of making him permanent after completion of 240 days, the management terminated his service orally without any bonafide reason and the establishment at Warora is still functioning and the management has appointed two new persons w.e.f. 20-4-1999 namely, Shri Sharad Ghuttar and Shri Prashant Dange and though he was senior to many helpers working with the management, instead of retrenching junior-most employee, the management retrenched him arbitrarily and without any justification. The workman had prayed to set aside the order of termination and to reinstate him in service and for making him permanent and to grant all the benefits of a permanent employee.

3. The management filed the written statement stating that the petitioner was working as a casual worker and he was not working from July, 94 till 19-4-99 continuously and he was engaged only for 182 days from December, 96 to May, 97, 121 days from December, 97 to March, 98, 157 days from November, 98 to 6-4-99 and for 11 days from 9-4-99 to 19-4-99 and wages was paid to him for the work done by him and there was a ban on fresh recruitment imposed by the Government in all cadres which was applicable to GSI as well and as the applicant was a casual worker, there was no need whatsoever to follow any legal procedure for termination of his service and as the service of the applicant

was no longer necessary, it was terminated and as such, the petitioner is not entitled for any relief.

4. It is necessary to mention here that the advocate for the workman filed a pursis stating that the applicant, Shri Vinod Jivtuji Gajbhiye has already expired and as such, the case be disposed of accordingly. As the applicant is already dead and no substitution of the legal heir of the deceased petitioner has been made, there is no necessity for the adjudication of the dispute referred by the Government. Hence, the reference is disposed of without adjudication due to death of the workman. This may be treated as no award.

J.P. CHAND, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 53.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.एस.एन.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 45/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-10 को प्राप्त हुआ था।

[सं. एल-40012/49/2005-आई आर(डी.यू.)]

जोहन तोपनो, अवर सचिव

New Delhi, the 7th December, 2010

S.O. 53.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.45/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 7-12-2010.

[No. L-40012/49/2005-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT : Dr. Manju Nigam, Presiding Officer

I.D. No. 45/2005

Ref. No. L- 40012/49/2005-IR(DU) dated 10-11-2005

BETWEEN

Shri Lal Chand Pal S/o Shri Ram Bahal,
Vill. & Post Dudhaura,
Basti.

AND

1. The General Manager Bharat Sanchar Nigam Ltd., Basti.
2. The Sub Divisional Officer,
Bharat Sanchar Nigam Ltd.,
Basti.

AWARD

DATE : 22-11-2010

1. By order No. L- 40012/49/2005-IR(DU) dated 10-11-2005 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Lal Chand Pal S/o Shri Ram Bahal, Vill. & Post Dudhaura, Basti and the General Manager, Bharat Sanchar Nigam Ltd., Basti & the Sub-Divisional Officer, Bharat Sanchar Nigam Ltd., Basti for adjudication.

2. The reference under adjudication is:

“Whether the action of the management of BSNL in terminating the services of Shri Lal Chand Pal, Daily Mazdoor/Lineman w.e.f. 10-10-2004 is just and legal? If not to what relief the workman is entitled?”

3. The case of the workman, in brief, is that he was engaged as daily mazdoor/lineman by the Sub-Divisional Officer in January, 2000 and he was paid at the rate of Rs. 600 per month. The workman has further submitted that he worked as such from January, 2000 to 10-10-2004 without any break for more than 240 days in every year. It has been alleged by the workman that his services were terminated by the management arbitrarily on 10-10-2004 without any notice or notice pay in lieu thereof in violation of Section 25 F; and also, the management appointed some other person in his place which contravened the provisions contained in Section 25 H of the Industrial Disputes Act, 1947. Accordingly, the workman has prayed that his oral termination order dated 10-10-2004 be set aside and he be reinstated with all consequential benefits, including back wages.

4. The management of the BSNL has disputed the claim of the workman by filing its written statement wherein it has specifically submitted that the applicant was never engaged as workman by the management of BSNL therefore, there arise no question of making him any payment or terminating his services at any point of time; and accordingly it has prayed that the claim statement is liable to be rejected as not maintainable, without any relief to the workman.

5. The workman has filed its rejoinder wherein he has not brought any new fact apart from reiterating the averments made by him in his statement of claim.

6. The workman filed documentary evidence in support of his claim vide list of documents dated 10-03-2006. No evidence was filed by management. Consequently, the case was ordered to proceed ex-parte against the management vide order dated 11-7-2006 and accordingly, the workman filed its oral evidence on affidavit on 21-04-2009 and further, he filed an additional oral evidence on affidavit of Shri Barsati, in support of his case. Since the case was proceeding ex-parte against the management, the next date i.e. 15-03-2010 was fixed for arguments. The management again did not turn up continuously on various dates i.e. 15-03-2010, 19-04-2010, 14-06-2010, 29-07-2010, 19-08-2010, 27-09-2010 and 26-10-2010. Workman filed its written arguments, oral submission were also advanced. Keeping in view long absence of management since inception of the case, the case was reserved for award after hearing representative of the workman.

7. Heard representative of the workman and perused evidence on record.

8. It is the case of the workman that he worked continuously since January, 2000 up to 10-10-2004 for more than 240 days in every year and in the event of denial by the management of the same, it was incumbent upon the workman to come forward with the cogent evidence to prove the same; likewise, to prove that his services were terminated in violation of provisions of Section 25 F, he was to prove that he worked for 240 days in preceding twelve months from the date of his alleged termination i.e. on 10-10-2004.

9. The workman has discharged his burden and has proved that he worked for 240 days in preceding twelve months from the date of his alleged termination on 10-10-2004 by way of his affidavit as well as affidavit of another witness viz. Shri Barsati, Lineman, Pandey Bazar Basti Telephone Exchange; wherein the deponent i.e. Shri Barsati has categorically stated that the workman, Lal Chand had worked with him from 2001 upto 10-10-2004 at Pandey Bazar Exchange and after dispensing the services of workman one Shri Balram Yadav was engaged and he is still working in Pandey Bazar Exchange since 2005. The above statement of a witness who is ‘presently’ a regular employee of the BSNL, corroborates the version of the workman that he worked continuously from January, 2000 to 10-10-2004 without any break, for more than 240 days in every year and his services were terminated by the management in contravention of the provisions of Section 25 F and also the management of BSNL violated the

provisions of Section 25 H by appointing another person in his place.

10. In view of the law laid down by Hon'ble Apex Court in (2006) 3 SCC 276 *State of U.P. vs. Sheo Shanker Lal Srivastava & others* the statement of the witness, having not been controverted would be deemed to be admitted. In the present case the workman has sustained his case of having worked for 240 days in every calendar year by filing his affidavit as well as affidavit of another person who is an employee of the management itself and in view of non-filing of any affidavit by the management in rebuttal to controvert the statement of workman's witnesses there is no reason to disbelieve the statement of the workman's witnesses given on oath.

11. In the present case though the management has disputed the claim of the workman by filing its written statement but it failed to prove the same on the other hand the workman succeeded to establish that he worked for more than 240 days in preceding twelve months from the date of his alleged termination on 10-10-2004 and his services were terminated in violation of provisions contained in Section 25 F of the Industrial dispute in as much as the management also violated the provisions of Section 25 H, by appointing another person in his place without affording him an opportunity for engagement.

12. Now, it is to be considered whether the workman is entitled for reinstatement. From the evidence produced by the workman it is not proved that his appointment was as a regular worker. Even the statement, of workman himself as well another witness viz. Shri Barsati, it reveal that he worked as daily mazdoor on daily wages. Admittedly, the services of the workman were terminated on 10-10-2004. In (2005) 5 SCC 591; 2005 SCC (L&S) 716 between *Haryana Roadways vs. Rudhan Singh* Hon'ble Apex Court while considering the question regarding award of back wages has observed:

“There is no rule of thumb that in every case where the Industrial Tribunal gives a finding that the termination of service was in violation of Section 25 F of the Act, entire back wages should be awarded. However, where the total length of service rendered by a workman is very small, the award of back wages for the complete period i.e. from the date of termination till the date of the award, which our experience shows is often quite large, would be wholly inappropriate. Another important factor, which required to be taken into consideration: is the nature of employment. A regular service of permanent character cannot be compared to short or intermittent daily wage employment though it may be for 240 days in a calendar year.”

13. In 2008 (119) FLR 877 *Deepak Ganpat Tari vs. N.E. Theater Pvt. Ltd.* Hon'ble Bombay High Court relying on the Hon'ble Apex Court's judgment in 2008 (117) FLR 1086 (SC) *A P V K Brahmandandam* 2008 (118) FLR 376 (SC) *Telephone DM vs. Keshab Deb* 2006 (111) FLR 1178 (SC) *JDA vs. Ram Sahai*, while awarding compensation of Rs. 15,000 to the concerned workman considering his daily wages as Rs. 45 in view of the fact that the workman had put in about 3 years of service, has observed as under :

“It is apparent that termination of services of a daily wagger does not amount to retrenchment and for violation of Section 25 F in such circumstances, the employee cannot be given benefit of reinstatement with continuity and back wages. Hon'ble Apex Court has hold that in such circumstance employee is entitled to benefit of compensation only.”

14. Also, in *Jagbir Singh vrs. Haryana State Agriculture Mktg. Board* (2009) 15 SCC 327 : (2010) 1 SCC (L&S) 545: *Senior Superintendent Telegraph (Traffic), Bhopal vrs. Santosh Kumar Seal and Others* (2010) 2 SCC (L&S) 309 Hon'ble Apex Court has observed as under:

“However, in recent past, there has been a shift in the legal position and in a along line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention of the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice.

The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and instead compensation has been awarded.”

15. In the light of principle laid down in aforementioned case laws, it would not be just and proper to direct that the workman be reinstated in service. The ends of justice would meet by paying compensation to the workman instead in place of relief of reinstatement in service.

16. Having regards to these facts that the workman has worked as daily mazdoor only and he was getting Rs. 600 per month at the time of his alleged termination and keeping in view the entire facts of the case and the law, the interest of justice would be subserved, if,

management is directed to pay lump sum amount of compensation only.

17. Accordingly, the management is directed to pay a sum of Rs. 25,000 (Rupees Twenty Five Thousand only) to the workman as compensation for termination of his services in violation of Section 25 F of the I.D. Act. The said amount shall be paid to the workman within 08 weeks of publication of the award, failing which; the same shall carry interest @ 8% per annum.

18. The reference is answered accordingly.

Dr. MANJU NIGAM, Presiding Officer

Lucknow
22-10-2010.

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 54.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एल सी/आर-42/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-10 को प्राप्त हुआ था।

[सं. एल-40012/200/94-आई आर(डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 7th December, 2010

S.O. 54.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. CGIT/LC/R/42/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 07-12-2010.

[No. L-40012/200/94-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/42/96

Presiding Officer : SHRI MOHD. SHAKIR HASHAN

Shri Baliram, S/O Ajabrao,
Village Samaria,

PO Ghat Birolia,
Tehsil Multai,
Distt. Betul (MP)

...Workman/Union

Versus

Chief General Manager,
Telecom (R.E) Project,
66, Bajaj Nagar,
Nagpur

...Management

AWARD

Passed on this 19th day of November, 2010

1. The Government of India, Ministry of Labour vide its Notification No.L-40012/200/94-IR(DU) dated 30-1-96 has referred the following dispute for adjudication by this tribunal :—

“ Whether the action of the management of the Chief General Manager, Telecom (RE) Project, 66 Bajaj Nagar in stopping Shri Baliram S/o Shri Ajabrao, casual labour from his duties in October, 1990 is justified and legal? If not, to what relief the workman is entitled?”

2. The workman did not appear in spite of notice and therefore the then Tribunal proceeded ex parte against the workman on 13-3-2007.

3. The case of the management in short is that the workman was engaged as casual labour on daily wages but he was never engaged 240 days in a calendar year. His service does not come within the meaning of continuous service of one year under the Industrial Disputes Act, 1947. He was engaged on exigency of project work and after completion of the project, he was not engaged. It is submitted that the reference be answered in favour of the management.

4. The issue is framed as under-

I. Whether the action of the management in stopping the workman from his duties is legal and justified?

5. Issue No. I

To prove the case, the management has examined one witness. The management witness Shri I. Wasudeo, Divisional Engineer was in the said project. He has stated that the workman was never engaged 240 days in a year. He was engaged on need and exigencies of project work on daily basis for specific period. His evidence is un rebutted. There is no reason to disbelieve his evidence.

His evidence shows that he comes under the purview of Section 2 (oo) (bb) of the Industrial Dispute Act and was not retrenched. This shows that the management was justified to discontinue him after the specified period on completion of the project. The issue is thus decided in favour of the management and the reference is answered.

6. In the result, the award is passed without any order to costs.

7. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 55.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. I, नई दिल्ली के पंचाट (संदर्भ संख्या 19/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-10 को प्राप्त हुआ था।

[सं. एल-42011/56/2008-आई आर(डी.यू.)]
जोहन तोपनो, अवर सचिव

New Delhi, the 7th December, 2010

S.O. 55.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 19/2009) of the Central Government Industrial Tribunal-cum-Labour Court-1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workmen, which was received by the Central Government on 7-12-2010.

[No. L-42011/56/2008-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE DR. R. K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL No. 1. KARKARDOOMA COURTS
COMPLEX, DELHI.**

ID. No 19/2009

The General Secretary,
CPWD Mazdoor Union, Room No. 95,
Barracks No. 1/1 0, Jam Nagar House,
Shahjahan Road, New Delhi. 110011. Workman

Versus

The Executive Engineer (E),
Electrical Divn.-I, CPWD,
IP.Bhawan, New Delhi-110002 Management

AWARD

Central Public Works Department (hereinafter referred to as the management) engaged an Assistant Wireman in its Electrical Division-1, CPWD, New Delhi. Shri Prem Prakash was engaged on 18-6-1982 whose services came to an end on 21-10-83. He was engaged again on 24-12-83 and his services were dispensed with on 12-2-1984. He raised an industrial dispute, through his union, challenging action of the management. It was referred to this Tribunal for adjudication. Award dated 20-1-04 was passed and his services were reinstated on 17-1-2005. In between, a few juniors to him were regularized in service. His claim of regularization was discarded. He again approached CPWD Mazdoor Union, who raised a dispute in that regard too. Since conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/56/2008-IR(DU), New Delhi dated 16-2-2009, with following terms:

“Whether the demand of the CPWD Mazdoor Union for regularization of the services of Shri Prem Parkash by the management of CPWD is legal and justified? If yes, to what relief the workman is entitled to and from which date?”.

2. Claim statement was filed on behalf of Shri Prem Parkash pleading that he was initially employed as Asstt. Wireman w.e. f. 18-6-1982. His services were terminated on 12-2-1984 by the management. A dispute, so raised, was referred to this Tribunal for adjudication. Award dated 20-1-2004 brought relief of reinstatement with continuity of service in his favour. He was reinstated on job as Wireman on 17-1-2005 and posted in Sub-division V, Electrical Division-1, of the management, since category of Assistant Wireman was merged with Wireman vide memorandum dated 7-5-97 with effect from 1-1-1973. In the meantime his juniors in the category of Asstt. Wireman (now Wireman) were regularized in the category of Wireman. It has been projected that S/Shri Darshan Singh was appointed on 19-6-82 on muster roll and regularized on 31-3-93 in ED-XII Division, Ravinder Singh was appointed on 14-9-82 on must roll and regularized on 31-3-93 in ED-II Division, Janardhan Prasad was appointed on 1-1-83 on muster roll and regularized on 11-2-93 in ED-XII Division, Amar Nath joined in January, 85 on muster roll and regularized on 29-4-93 in ED-1 Division and Hari Shanker was appointed on 30-6-82 on muster roll and regularized on 31-3-93 in ACD-III of the. management. It has been agitated that Shri Prem Prakash was paid arrears of back

wages in lower pay scale of asstt. category with effect from 12-2-84 to 31-12-95 and thereafter on 1-1-96 his pay was fixed in the scale of Wireman. He is entitled to pay and allowances in the scale of Wireman. A claim has been made that Prem Parkash is entitled to be regularized as Wireman w.e.f. 31-3-93, when his juniors were regularized as such.

3. Contest was given to the claim pleading that the management has its own policy of regularization, which is meant for work charge establishments and subject to availability of vacancy of a particular post. There is no policy of regularization from Initial date of engagement as daily wager. Under these circumstances the claim is not maintainable. The management unfolds that Prem Parkash was initially appointed as Asstt. Wireman on muster roll basis w.e.f. 18-6-82 and his services came to an end on 21-10-1983. He was re-engaged afresh w.e.f. 24-12-83 and his services were terminated w.e.f. 12-2-84. In pursuance of award dated 20-1-2004 passed by this Tribunal, he was reinstated as Asstt. Wireman w.e.f. 12-2-84 and was paid all his dues. His past services till 21-10-83 cannot be counted for the purpose of seniority, as continuity of services was broken when he was engaged afresh on 24-12-83.

4. The management agitates that the claimant has misinterpreted the office memorandum dated 7-5-1997, which clarifies that merger is applicable only in respect of employees under work-charged categories who were on roll of CPWD on 1-4-81 and not in respect of any kind of daily rated workers. The claimant was initially engaged on 18-6-82, viz after the prescribed date of 1-4-81. Moreover, he was re-engaged as Asstt. Wireman as daily rated/muster roll worker and not on the rolls of the management. He does not fall within the purview of merger of assistant categories to main categories, as per Arbitration Award, 1988. No junior to him has been regularized. Even as per seniority list Shri Ram Kripal, who is senior to the workman, has not yet been regularized. Hence, the claimant would be regularized as and when his turn matures, subject to availability of vacant post. Management further projects that pay of the claimant was erroneously fixed in the scale of Rs.950-1500 in the category of Wireman, whereas it should have been fixed in the pay scale of Rs.800 (pre-revised) in assistant category. Recovery of excess amount paid to him, due to wrong fixation of pay, is under process. It has been claimed that Shri Hari Shankar etc. are senior to the workman. His seniority is to be considered w.e.f. 24-12-83, the date of his re-employment and not from his initial engagement, for there was no continuity of service. His allegation that his juniors were regularized is wrong. Rather his seniors are still in the queue for regularization. It has been claimed that the claimant has no cause in his favour.

5. Shri Prem Parkash (WW1) examined himself in support of his case. Shri B.K. Prasad (WW2) tendered his affidavit as evidence. He was cross-examined on behalf of the management. Shri Rajan Aggarwal, Executive Engineer, examined himself on behalf of the management. No other witness was examined by either of the parties.

6. Arguments were heard at the bar. Shri B. K. Prasad, authorised representative, advanced arguments on behalf of the claimant. Shri Sanjeev Yadav, authorised representative, filed his written submissions on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:—

7. Shri Rajan Aggarwal, Executive Engineer, testified that Prem Parkash was initially appointed on 18-6-82. His services were terminated on 21-10-83. He was again employed as Wireman on 24-12-83. His services were again terminated on 12-2-84. He projected that claim of the claimant that break in service should be counted with continuity is wrong. Employees are regularized on the basis of their seniority that too on availability of vacancy for the same. He proved seniority list Ex.WW1/M1. He stated that since the workman is a muster roll employee, hence arbitration award dated 31-12-88 does not apply to him. Case of Devender Singh is on different footing than Prem Parkash. During the course of his cross-examination he projects that there is no assistant category for work-charged employees, since it has been merged with full category. Muster roll employee is to be regularised on work charged establishment. He disputes that list Ex.WW1/M1 was not prepared in accordance with the terms of the arbitration award. He could not affirm or deny that Amar Nath is working in his division and has been regularized w.e.f. 29-4-93, on work charged establishment. Devender Singh got an award in his favour which is Ex.MW1/W1. He was regularised on the directions of the High Court. Office memorandum Ex.WW2/3 is applicable since 1985 and refers to employees who do not have any break in service. He admitted that workman was paid in semi-skilled category from 12-2-84 to 31st of December,95. He does not dispute office order dated 7-1-09, which is Ex.WW2/4. He admitted document Ex.WW1/2, which enlists the days on which claimant worked from 18-6-82 till 18-2-84. He had not disputed that Hari Shankar has been regularized w.e.f. 31-3-93. He disputes that Hari Shanker and Devinder Singh were junior to Prem Parkash. He stated that case of Devinder Singh rests on different footing than the case of Prem Parkash. Award Ex.MW1/W1 has been implemented.

8. Claimant unfolds in his affidavit Ex.WW1/A that initially he was engaged as Asstt. Wireman on 18-6-82. He

concedes, during the course of his cross examination that his services came to an end on 21-10-83. He was engaged afresh on 24-12-83 and his services were terminated on 12-2-84. He raised an industrial dispute, which was answered in his favour by this Tribunal, vide award dated 20-1-2004 which is Ex.MW1/1. He was reinstated in services w.e.f. 12-2-2004 with full back wages and continuity of services. Post of Asstt. Wireman was abolished and merged with main category viz. Wireman w.e.f. 1-1-1973 retrospectively. After office memorandum dated 7-5-97 post of Asstt. Wireman is not in existence. Many of his juniors in category of Asstt. Wireman were regularized in the category of Wireman, during the period when his services were dispensed with. Hari Shankar was initially appointed on 30-6-82 and his services were regularized w.e.f. 31-3-93. He was paid arrears of back wages w.e.f. 12-2-84 to 31-12-95 in the pay scale of Asstt. Wireman and his pay was fixed in the scale of Wireman w.e.f. 1-1-1996. He is entitled to be regularized as wireman w.e.f. 31-3-93, the date when Hari Shankar was regularized. He admits that his services w.e.f. 18-6-82 to 21-10-83 were not counted for the purpose of seniority.

9. Shri B K. Prasad reiterates facts testified by the claimant. He presents that Amar Nath was employed as Asstt. Wireman on muster roll in January, 1985, whose services has been regularized on 29-4-93. Claimant is entitled for regularization of his services, from the date when his juniors were regularized. During the course of his cross-examination he presents that Devinder, who was junior to the claimant, has been regularized. He also proves office memorandum dated 7-5-97 as Ex.WW2/1.

10. When facts testified by rival parties are appreciated, it came to light that office memorandum Ex.WW2/1 was issued by the management for merger of asstt.category with the main category in pursuance of arbitration award dated 31-1-88. It was provided therein that the memorandum is applicable in respect of workman working under work charged categories and those who were on the rolls of the CPWD on 1-4-81 and was not applicable to any kind of daily rated workers. Shri Rajan Aggarwal had made it clear that muster roll employees are to be regularized on work charged establishment and thereafter they would be entitled to merger with the main category in pursuance of the office memorandum Ex.WW2/1. He admits that w.e.f. 1-1-96 the claimant has been given his wages in the scale of Rs.3050. However, he projects that the payment was wrongly made to him. As emerge out of office memorandum, an employee is entitled to merger in case he is on work charged category and on the rolls of the management w.e.f. 1-4-81. Here in the case the claimant was on muster roll, when his services were

dispensed with on 12-2-84. He was ordered to be reinstated in the service vide award Ex.WW1/1. In that award case of his regularization on work charged category was not under consideration. Therefore, on the date of his reinstatement he continued to be on muster roll. Under that situation office memorandum Ex.WW2/2 nowhere come for his rescue.

11. However, Shri Prasad projects that Shri Amar Nath who was appointed on muster roll in January, 1985 has been regularized on 29-4-93. Neither during the course of his cross-examination nor by positive evidence through the testimony of Rajan Aggarwal the management could show that Shri Amar Nath was appointed against work charged category. Consequently Shri Prasad could establish that Shri Amar Nath, who was muster roll employee and junior to the claimant, was regularized w.e.f. 29-4-93. Therefore, it is evident that the case of the claimant is to be assessed on the standards whether he was granted equality before law or was discriminated by the management.

12. Equality before law and equal protection of laws are fundamental rights of every person, ordains Article 14 of the Constitution. The guiding principles laid in Article 14 are that persons, who are similarly situated, shall be treated alike both in privileges conferred and liability imposed, which means that amongst equals the law should be equal and should be equally administered and that like should be treated alike. Article 16 of the Constitution guarantees equality of opportunities for all citizens in matters relating to employment or appointment to any office under the State. What is guaranteed is the equality of opportunity. Like all other employers, Government is also entitled to pick and choose from amongst a large number of candidates offering themselves for employment. But the selection process must not be arbitrary. The guarantee given by clause (a) of Article 16 of the Constitution will cover (a) initial appointments (b) promotions (c) termination of employment (d) and matters relating to salary, periodical increments, leaves, gratuity, pension, age of superannuation etc. Matters relating to employment or appointments include all matters in relations to employment both prior and subsequent to the employment which are incidental to the employment and form part of the terms and conditions of such employment.

13. Fundamental rights guaranteed by Article 14 forbids class legislation, but does not forbid classification or differentiation which rests upon reasonable ground of discretion. Classification is the recognition of the relations, and in making it the Government must be allowed a wide latitude of discretion and judgment. In a way, the consequences of such classification would undoubtedly be to differentiate persons belonging to that class from

others. The classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and the differentia must have a rational relation to the object sought to be achieved. Classification may be made according to the nature of persons, nature of business, and may be based with reference to time.

14. Concept of equality guaranteed by Article 16 of the Constitution is something more than formal equality and enables the underprivileged groups to have a fair share by having more than equal chance and enables the State to give favoured treatment to those groups by achieving real equality with reference to social needs. 'Protection discrimination' enabled the State to adopt new strategy to bring underprivileged at par with the rest of the society, by providing all possible opportunities and incentives to them. Therefore, a class may be allowed to have preferential treatment in the matter relating to employment or appointment. There cannot be rule of equality between members of separate and independent group of persons. Persons can be classified in different groups, based on in terms of nature of persons, nature of business and with reference to time.

15. Shri Amar Nath was appointed as muster roll employee in January, 85, whose services were regularized by the management on 29-4-93. Amar Nath stands on the same pedestal on which the claimant is placed. The management could not project that Amar Nath was in a category different than the claimant. Therefore, it is evident that claimant as well as Amar Nath were placed in the same bracket, on the date when services of the latter were regularized.

16. Can management be permitted to treat equals differently? Answer lies in negative. In Bal Kishan [1990 (I) LLJ 61] the Apex Court announced that no junior shall be confirmed or promoted without considering the case of his senior. The observations made by the Apex Court are reproduced thus :

"In service, there could be only one norm for conferment or promotion of persons belonging to the same cadre. No junior shall be confirmed or promoted without considering the case of his senior. Any deviation from this principle will have demoralizing effect in service apart from their being contrary to Article 16(1) of the Constitution."

17. The management projected that in Uma Devi [2006(4) SCC1] the Apex Court ruled that a person who entered service dehors the rules has no right for regularization or continuance in service. The principle of law laid by the Apex Court in the aforesaid case is not a

matter of dispute. Whether the law so laid would allow the management to discriminate the claimant from Shri Amar Nath, who was junior to him and placed on similar pedestal? Such a proposition was considered by the Apex Court in Pooran Chandra Pandey [2007 (12) Scale 304], wherein it was announced that precedent in Uma Devi (supra) cannot be applied mechanically without considering facts of a particular case. In Uma Devi it was ruled that a person, who entered the Government service dehors rules cannot claim as right for continuance or regularization of service. However, the said decision nowhere speaks of a case where regularization in service has been sought in pursuance of fundamental rights guaranteed by Article 14 of the Constitution. In Pooran Chandra Pandey (supra) there were two sets of employees who were daily wagers, that is (i) the original employees of the U.P.State Electricity Board and (ii) the employees of the society, who subsequently became employees of the Electricity Board. The High Court ruled that there was no ground for discriminating between the two sets of employees. When issue reached the Apex Court it was ruled that since the parties were all appointed in the society before 4th of May, 1990, they cannot be denied benefit of the decision of the Electricity Board dated 28th of November, 1996, permitting regularization of the employees of the Electricity Board who were working from before 4-5-1990. It was announced that to take a contrary view would violate Article 14 of the Constitution. The courts cannot read Uma Devi case in a manner which will make it in conflict with Article 14 of the Constitution. Thus the Apex Court made it clear in Pooran Chandra Pandey (supra) that when regularization is to be ordered in pursuance of Article 14 of the Constitution precedent laid down in Uma Devi will not come in between.

18. Relying law laid in Pooran Chandra Pandey (supra), it is announced that it does not lie in the mouth of the management to seek refuse in the principles of law laid in Uma Devi with a view to deny equality to the claimant. Therefore, it is commanded that claimant Prem Parkash be regularized in the service by the management on the same standards on which Shri Amar Nath was regularized. He would be regularized from the date whenever vacancy, was available for him and in any eventuality not later from the date when services of Amar Nath was regularized. He would be entitled to merger in the main category in pursuance of office memorandum Ex, WW2/2 from the date of his regularization and would be paid his wages in the category of Wireman. An Award is, accordingly, passed. It be sent to the appropriate Government for publication,

Dr. R. K. YADAV, Presiding Officer

Dated: 17-9-2010

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 56.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी पी डब्ल्यू डी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 87/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-42011/42/2006-आई आर(डी यू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 7th December, 2010

S.O. 56.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 87/2006) of the Central Government Industrial Tribunal-cum-Labour Court-1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CPWD and their workmen, which was received by the Central Government on 07-12-2010.

[No. L-42011/42/2006-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE DR. R.K. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
No. 1, AT KARKARDOOMA COURTS COMPLEX,
DELHI**

I.D. No. 87/2006

Shri Sudesh Kumar S/o Shri Jeevan Lal, Beldar,
C/o CPWD Mazdoor Union, Room No. 95,
Barracks No. 1/10, Jam Nagar House,
Shahjahan Road, New Delhi-110011.

...Workman

Versus

The Executive Engineer, V. Division,
Central Public Works Department,
Sarajni Nagar, New Delhi-110003.

...Management

AWARD

Central Public Works Department (hereinafter referred to as the management engaged a beldar on hand receipt basis in its V Division, located at A-106/110, Sarajni Nagar, New Delhi Shri Sudesh Kumar was engaged by the management on 18-2-86 who was granted temporary status on 1-6-93. Shri Ram Prasad Tiwari was employed as beldar on muster roll on 11-1-91. Though Shri Tiwari was junior to Shri Sudesh Kumar, yet his services were regularized by

the management on 5-8-2002. When services of Shri Tiwari were regularized, Shri Sudesh Kumar raised a demand for regularization of his services, which demand was not conceded to. He approached CPWD Mazdoor Union, (hereinafter referred to as the Union) for redressal of his grievance. The Union raised an industrial dispute before the Conciliation Officer in that regard. Since conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. 42011/42/2006-IR (DU), New Delhi dated 31-10-2006 with the following terms:

“Whether the demand of the CPWD Mazdoor Union for regularization of the services of Shri Sudesh Kumar Beldar w.e.f. 18-2-86 is legal and justified? If yes, to what relief the workman is entitled to and from which date?”

2. Claim statement was filed on behalf of Shri Sudesh Kumar pleading that he was engaged as beldar on hand receipt basis w.e.f. 18-2-86 by the management. He was granted temporary status on 1-9-93. The Apex Court in Surinder Singh's Case desired that daily rated workers after completion of six months of service would be regularized in time scale applicable to them. In pursuance of the observations of the Apex Court, 8982 posts were created by the Central Government on 1-9-82, out of which 2651 posts of beldar were there for regularization of services of daily rated workers. Services of Sudesh Kumar were not regularized. The management has also agreed to regularize daily rated beldars in pursuance of settlement dated 2nd of December, 2002. Though post was available, yet services of Shri Sudesh Kumar were not regularized Shri R.P. Tiwari, who was employed on 11-1-91 was regularized in service arbitrarily on 5-8-2002. He is posted in Division No. 23, PWD, Government of N.C.T. Delhi. It has been claimed that Sudesh Kumar is entitled for regularization of his services at least from the date when his junior was regularized in service by the management.

3. Contest was given to the claim statement by the management pleading that the claimant has no right of regularization of his services automatically or otherwise. His services are to be regularized in accordance with the recruitment rules. Management does not dispute that Shri Sudesh Kumar joined its services on 18-2-86, who was granted temporary status on 1-9-93. It has been pleaded that creation of post by the Government in pursuance of observations made by the Apex Court in Surender Singh's Case were for the employees who were engaged prior to 1985. Since the claimant was engaged in February, 86, he was not covered within the policy of regularization, so framed. It has been pleaded that his seniority falls at Sl. No. 96 in the cadre and no vacancy is available for regularization of his services. Management asserts that in the absence of details relating to Shri Ram Prasad Tiwari, it can not comment in respect of regularization of his services.

It has been pleaded that claim projected is liable to be dismissed, being devoid of merits.

4. Shri Sudesh Kumar examined himself in support of his claim. Shri A.K. Singh, Executive Engineer, was examined on behalf of the management. No other witness was examined by either of the parties.

5. Arguments were heard at the bar. Shri B.K. Prasad, authorised representative, advanced arguments on behalf of the claimant. Shri A.S. Singh, authorised representative, assisted by Shri A.K. Singh, Executive Engineer, raised submissions on behalf of the management. I have given my careful consideration to the arguments advanced to the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:—

6. Shri Sudesh Kumar unfolds that he joined services with the management on 18-2-86 as beldar on muster roll. In September, 92, temporary status was accorded to him. He had rendered continuous service for 240 days with the management. In pursuance of decision of the Apex Court in Surrender Singh's case, he is entitled for regularization of his services on completion of 240 days of continuous service. No steps were taken by the management for regularization of his service. Shri Ram Prasad Tiwari, who joined services with the management on 11-1-91, was regularized in services on 5-8-2002. Shri Tiwari is working in Division No. 23, PWD, Government of NCT, Delhi. He is entitled for regularization of his service at least from the date when Shri Tiwari was regularized. During the course of his cross examination he projects that Anil Kumar, Randhir Singh and Smt. Raj Bala were regularized in service after 2002. He feigned ignorance whether their services were regularized in compliance of orders passed by Central Administrative Tribunal (in short the CAT) on 18-9-2001 and 5-8-2002 respectively.

7. Shri A.K. Singh swears in his affidavit Ex. MW1/A that claimant joined services with the management on 18-2-86 who was accorded temporary status on 1-9-93. He presents that regularization of services of the claimant cannot be done, since recruitment rules does not provide automatic absorption in service. His seniority falls at Sl. No. 45 of the list. His appointment was not in accordance with the rules, hence his services cannot be regularized after pronouncement of the Apex Court in Uma Devi Case [2006 (4) S.C. C.1]. He presents that 8982 posts were created for regulariazation of the workers, who were engaged prior to 1985. He unfolds that Anil Kumar, Ram Prasad Tiwari, Randhir Singh and Smt. Raj Bala were regularized in service in pursuance of command given the CAT. He concedes during the course of his cross examination that the aforesaid employees were engaged after 19-11-85, the date when ban was imposed.

8. When facts testified by Shri Sudesh Kumar and Shri Singh are appreciated, it came to light that the claimant

was engaged as beldar on hand receipt basis on 18-2-86. He was granted temporary status on 1-9-93. Shri Ram Prasad Tiwari was engaged by the management on 11-1-91, whose services were regularized on 5-8-2002. It has also emerged that Shri Anil Kumar, Randhir Singh and Smt. Raj Bala were also regularized in service by the management in pursuance of orders passed by the CAT on 18-9-2001 and 5-8-2002 respectively. However, the management opted not to give dates of engagement of Anil Kumar, Randhir Singh and Smt. Raj Bala. It seems that they were engaged as beldar after Shri Sudesh Kumar. Consequently it is emerging over the record that person junior to the claimant were regularized in services by the management. The management wants to take refuse in the orders passed by the CAT. Question for consideration comes as to whether the management can assess the case of the claimant on standards different than on which cases of his juniors were considered.

9. Equality before law and equal protection of laws are fundamental rights of every person, ordains Article 14 of the Constituion. The guiding principles laid in Article 14 are that persons, who are similarly situated, shall be treated alike both in privileges conferred and liability imposed, which means that amongst equals the law should be equal and should be equally administered and that like should be treated a like. Article 16 of the Constitution guarantees equality of opportunities for all citizens in matters relating to employment or appointment to any office under the State. What is guaranteed is the equality of opportunity. Like all other employers, government is also entitled to pick and choose from amongst a large number of candidates offering themselves for employment. But the selection process must not be arbitrary. The gurantee given by clause (a) of Article 16 of the Constitution will cover (a) initial appointments (b) promotions (c) termination of employment (d) and matters relating to salary, periodical increments, leaves gratuity, pension, age of superannuation etc. Matters relating to employment or appointments include all matttes in relations to employment both prior and subsequent to the employment which are incidental to the employment and form part of the terms and conditions of such employment.

10. Fundamental rights guranteed by Article 14 forbids class legislation, but does not forbid classification or differentiation which rests upon reasonbale ground of discretion. Classification is the recognition of the relations, and in making it the government must be allowed a wide latitude of discretion and judgment. In a way, the consequences of such classification would undoubtedly be to differntiate persons belonging to that class from others. The classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others lefts out of the group and the differentia must have a rational relation to the object sought to be achieved. Classification may be made

according to the nature of persons, nature of business, and may be based with reference to time.

11. Concept of equality guaranteed by Article 16 of the Constitution is something more than formal equality and enables the underprivileged groups to have a fair share by having more than equal chance and enables the state to give favoured treatment to those groups by achieving real equality with reference to social needs. 'Protection discrimination' enabled the state to adopt new strategy to bring underprivileged at par with the rest of the society, by providing all possible opportunities and incentives to them. Therefore a class may be allowed to have preferential treatment in the matter relating to employment or appointment. There cannot be rule of equality between members of separate and independent group of persons. Persons can be classified in different groups, based on in terms of nature of persons, nature of business and with reference to time.

12. Shri Ram Prasad Tiwari was engaged in service on 11-1-91 as beldar on muster roll. His services were regularized on 5-8-2002. In the same manner Shri Anil Kumar, Randhir Singh and Smt. Raj Bala were engaged on a date subsequent to the date of which the claimant was engaged by the management. Their services were also regularized on 18-9-2001 and 5-8-2002 respectively, in pursuance of command given by the CAT. It is evident that the management could not show that these employees were placed in a different category than the one in which the claimant was placed. Therefore, it is evident that the claimant as well as the aforesaid employees were placed in the same bracket, on the dates when their services were regularized.

13. Can management be permitted to treat equals differently? Answer lies in negative. In *Bal Kishan* [1990 (1) LLJ 61] the Apex Court announced that no junior shall be confirmed or promoted without considering the case of his senior. The observations made by the Apex Court are reproduced thus:

"In service, there could be only one norm for conferment or promotion of persons belonging to the same cadre. No junior shall be confirmed or promoted without considering the case of his senior. Any deviation from this principle will have demoralizing effect in service apart from their being contrary to Article 16 (1) of the Constitution".

14. The management projected that in *Uma Devi* [2006 (4) SCC 1] the Apex Court ruled that a person who entered service dehors the rules has no right for regularization or continuance in service. The principle of law laid by the Apex Court in the aforesaid case is not a matter of dispute. Whether law laid in *Uma Devi* (supra) allow the management to discriminate the claimant from Shri Anil

Kumar, Randhir Singh and Ram Prasad Tiwari and Raj Bala, who were junior to him and placed on similar pedestal? Such a proposition was considered by the Apex Court in *Pooran Chandra Pandey* [2007 (12) Scale 304], wherein it was announced that precedent in *Uma Devi* (supra) cannot be applied mechanically without considering facts of a particular case. In *Uma Devi* it was ruled that a person, who entered the government service dehors rules cannot claim as right for continuance or regularization of service. However, the said decision nowhere speaks of a case where regularization in service has been sought in pursuance of fundamental rights guaranteed by Article 14 of the Constitution. In *Pooran Chandra Pandey* (supra) there were two sets of employees who were daily wagers, that is (i) the original employees of the U.P. State Electricity Board and (ii) the employees of the society, who subsequently became employees of the Electricity Board. The High Court ruled that there was no ground for discriminating between the two sets of employees. When issue reached the Apex Court it was ruled that since the parties were all appointed in the society before 4th of May, 1990, they cannot be denied benefit of the decision of the Electricity Board dated 28th of November, 1996, permitting regularization of the employees of the Electricity Board who were working from before 4-5-1990. It was announced that to take a contrary view would violate Article 14 of the Constitution. The courts cannot read *Uma Devi* case in a manner which will make it in conflict with Article 14 of the Constitution. Thus the Apex Court made it clear in *Pooran Chandra Pandey* (supra) that when regularization is to be ordered in pursuance of Article 14 of the Constitution precedent laid down in *Uma Devi* will not come in between.

15. Relying law laid in *Pooran Chandra Pandey* (supra), it is announced that it does not lie in the mouth of the management to seek refuse in principles of law laid in *Uma Devi* with a view to deny equality to the claimant. Therefore, it is commanded that claimant *Sudesh Kumar* be regularized in service by the management on the same standards on which Shri Anil Kumar, Randhir Singh, Ram Prasad Tiwari and Raj Bala were regularized. He would be regularized from the date whenever vacancy was available for him and in any eventuality not later than 18-9-2001, when his juniors were regularized. An Award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

Dated 17-9-2010.

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 57.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी एस एन एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय कोलकाता के पंचाट (संदर्भ संख्या 12/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-40012/107/93-आई आर(डी यू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 7th December, 2010

S.O. 57.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2008) of the Central Government Industrial Tribunal-cum-Labour Court Kolkata as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BSNL and their workman, which was received by the Central Government on 7-12-2010.

[No. L-40012/107/93-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 12 of 2008

Parties: Employers in relation to the management of
BSNL, Kolkata

AND

Their workman.

Present : Mr. Justice Manik Mohan Sarkar, Presiding Officer

APPEARANCE:

On behalf of the Management : None

On behalf of the Workmen : None

State: West Bengal Industry; Telephones

Dated : 26th November, 2010.

AWARD

By Order No. L-40012/107/1993-IR (DU) dated 23-04-2008 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bharat Sanchar Nigam Limited in terminating the service of Shri Sukhendu Bikash Nath from 1-1-89 is justified? To what relief the person concerned is entitled to?”

2. On call today, none of the parties responds. It is found from record that the notice to the workmen union was returned back with the postal note “Not claimant”. It is also found that after issue of fresh notice on my joining here, though the management side appeared through its

Ld. Lawyer on some occasions, workmen union never appeared on the five dates fixed by this time which were adjourned. On the last occasion the workmen side was given with an opportunity to file their statement of claim and other relevant materials as a matter of last chance. Still then none is appearing from the side of the workmen union.

3. The conduct of the workmen union goes to show that it is not interested at present to proceed with the present reference and reluctance on its part is very much evident.

4. In such circumstances, it is presumed that actually no industrial dispute is prevailing at present and so this reference is not needed to be proceeded with any further. So, the present reference is disposed of as having no industrial dispute and an Award is passed accordingly.

JUSTICE MANIK MOHAN SARKAR, Presiding Officer

Kolkata, Dated 26th November, 2010.

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 58.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी-260/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-40025/6/2010-आई आर(डी यू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 7th December, 2010

S.O. 58.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.No. LCID-260/2004) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 7-12-2010.

[No. L-40025/6/2010-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURTS AT HYDERABAD

Present:- Shri Ved Prakash Gaur Presiding Officer

Dated the 29th day of September, 2010

INDUSTRIAL DISPUTE L.C.No.260/2004

BETWEEN:

Sri T. Deva Krupavaram,
S/o Devadanam,
C/o Sri A. V. Rama Rao,
1-9-34/6/2, Ram Nagar,
Hyderabad-48.

....Petitioner

AND

1. The Chief General Manager,
Telecom, A.P. Circle,
Hyderabad-1.
2. The General Manager,
Telecom Circle, Ongole,
Prakasam District.
3. The Divisional Engineer,
Telecom District, Ongole,
Prakasam District.
4. The Sub-Divisional Officer,
Telecom Sub-Division,
Ongole Prakasam District. . . . Respondents

APPEARANCES:

For the Petitioner : M/s. P. Krishna Reddy &
A.V. Rama Rao Advocates

For the Respondent : Sri V. Rajeswara Rao Advocate

AWARD

The workman Sri T. Deva Krupavaram has filed this petition under Sec. 2 A (2) of the I.D. Act 1947 in light of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others challenging the order of his termination dated 2-8-2002 and to reengage him in the service with temporary status.

2. It has been submitted that he has worked for more than 240 days continuously and he has worked for more than 1000 total days. He was engaged as casual mazdoor in the year 1983. He requested the management to regularize his services but instead of regularization he was disengaged and was not allowed to attend duty from 2-8-2002. He made several representations but the same was turned down. Workman was disengaged from work on 2-8-2003 without observing provisions of Sec. 25F, 25(H) and 25(G) of the Industrial Disputes Act, 1947. He has further contended that casual mazdoor who were placed in similar circumstances filed OA No. 216/96 and OA No. 1049/97 and that OA was disposed off with the direction that the name of the casual labour should be entered in register and they be reengaged when the work is available. The Petitioner is also similarly situated person as such, he may also be reinstated in the services.

4. Respondent has filed counter statement wherein they have stated that the Petitioner has worked under

SDOT, Ongole for 36 days only from October to November, 1985 where he approached with a certificate that he worked during 1-1-86 to 31-12-91 in RE Project. The said certificate was found to be false. The Petitioner was asked to prove genuineness of the certificate but even after affording sufficient time to prove the genuineness of the record the workman could not produce the genuineness of the certificate or prove the veracity of the record of his service, his temporary services were terminated w.e.f. 1-4-1994.

5. The Respondent has further submitted that no juniors to the Petitioner was reengaged. There was scheme to confer temporary status and regularization of casual labourers as on 1-10-1989, as per scheme temporary status was to be conferred on all the casual labourers who were working on 1-10-1989 and who have rendered a continuous service of atleast one year prior to 1-10-1989 and who have worked for a period of 240 days. The Petitioner worked for 36 days during October and November, 1985. He did not fulfill the condition required for conferring temporary status. His claim that he worked for 1716 days and the photo copy submitted by him to this extent is false and baseless. There was a ban on recruitment or engagement of the casual labour vide letter No. 270/6/84-STN/New Delhi dated 30-3-1985 and 12-2-99. Consequently, the powers of all officers to engage casual labour either daily or monthly wages basis were withdrawn. It has also been submitted that a 30 days notice was given by SDM, Ongole to workman vide E-196/TMS/92-93 dated 17-12-93 and on receipt of the reply the SDM, Ongole has terminated the services. The claim is baseless, unfounded and deserves to be dismissed.

6. The Petitioner has filed xerox copies of documents Ex. W1 to W9 showing the total number of 4181 days served with the department. He has further filed order of Hon'ble Central Administrative Tribunal as Ex. W10 passed in OA No. 1380/95 in the matter of Sk. Basheer Vs. CGM, Telecom and another copy of OA No. 1232/95 in the matter of Ch. Srinivasulu Vs. CGM, Telecom and his own affidavit whereas the Respondent has filed counter affidavit of Sri K.V. Ramaiah, SDE, Telecom, Ongole and documents Ex. M1 to M3.

7. The Petitioner has produced himself for cross examination and Respondent has also produced their witness for cross examination.

8. I have heard counsel for both the parties and have gone through the material available on the record.

9. It has to be argued by the Learned Counsel for the workman that the Petitioner was daily mazdoor. He has worked under the department of Telecom/Bharat Sanchar Nigam Ltd., from 1985 to upto the order Ex. W2 and his services were terminated orally on 2-8-2002 without assigning any reason, or without giving any notice, or without payment of any retrenchment compensation as

such, the order of termination is illegal, arbitrary and violative of principles of natural justice. Against this argument it has been argued by the Learned Counsel for the Respondent that the alleged service certificate produced by the Petitioner workman is bogus and forged document. Petitioner was offered a position as casual mazdoor on the basis of his previous experience and certificate produced by him. He was required to prove the genuineness of the experience certificate which he could not prove and therefore his services were disengaged by letter dated 2-4-1994 on the ground that he produced bogus and forged certificate for getting the job of general mazdoor. After his disengagement in the year 1993 he was never engaged nor his services were terminated in the year 2003. The petition has been field after much delay and latches and deserves to be dismissed.

10. On the basis of the arguments advanced by parties, this tribunal has to consider,

- (i) Whether the Petitioner's services were terminated on 2-4-1994 or in the year 2003 as alleged by the Petitioner without affording any opportunity to him or without giving any notice or retrenchment compensation?
- (ii) If yes, to what relief the Petitioner is entitled?

11. **Point No. (I):** The Petitioner has contended that he has served the department for 4181 days and suddenly he was asked not to attend the duties from 2-8-2002. Against this contention of the Petitioner the Respondent claim that the Petitioner was terminated w.e.f. 1-4-93 vide letter No. E-196/TMS/92-93 dated 28-3-94. A copy of which is annexed with the counter statement i.e. Ex. M1, in this connection the statement of the Petitioner workman is relevant. In his cross examination, the Petitioner workman has stated that he was terminated orally and no letter was given. Copy of Ex. M1 was not served on him nor the copy of show cause notice Ex. M2 was served on him. However, he has admitted that he has given a representation dated 16-9-1993 as he was not engaged on 16-9-1993. He has further admitted that Respondent has not engaged him for a period of 15 days prior to 16-9-1993. Therefore he requested through Ex. M3 representation to engage him for granting of temporary status, Ex. M3 is the representation of the Petitioner to take him into the service because he was already disengaged from the service 3 months prior to this letter. He moved letter for granting temporary status card. This prove that the Petitioner was disengaged in the year 1993 itself. Thereafter he was reengaged but since he could not provide the proof of the genuineness of the service certificate, his service were terminated by order and notice dated 28-3-1994. Earlier to this letter a notice dated 17-12-1993 was issued to him to substantiate the genuineness of the record produced by him which he could not produce Ex. M2 on the record. There is no other record from the side of the Petitioner to

prove that he has worked up to the year 2002 neither by way of attendance register nor by way of payment slips or payment vouchers.

12. As per the case law reported in 2005 (3) ALD page 35(SC) in the matter of Dhrampur Sugar Mills Ltd., Vs. Bhola Singh, wherein Hon'ble Supreme Court has held that when a workman is appointed in terms of a scheme on daily wages, he does not derive any legal right to be regularized in his service. It is now well known that completion of 240 days of continuous service in a year may not by itself be a ground for directing regularization particularly in a case when the workman has not been appointed in accordance with the extant rules. This case lawfully apply in the present case. More over, there was a ban on the engagement or employment of casual labourers by office memorandum dated 15-6-95. In the light of the ban imposed by the Department of Telecom for engagement of the temporary or daily wage workers this tribunal is of the opinion that Petitioner could not have been appointed or engaged after the order of the said ban order. More over there is no appointment order and the mode of appointment, the Petitioner was employed as casual labour, who obtained job on the basis of the bogus certificate as such, the termination of his service on the ground of the production of ther bogus certificate was legal and justified. The Petitioner has not worked after the order dated 1-4-1994 and his claim that he worked upto 2003 is baseless and unfounded. Petitioner claims that his case stood on par with Sri Sk. Basheer who filed OA before Hon'ble Central Administrative Tribunal but Petitioner has not been able to prove that he was illegally or arbitrarily terminated from the service. He was disengaged for production of a bogus service certificate on the basis of which he got the employment, he was asked to prove the genuineness of the certificate but he could not do. Thus, his case can not be equated with that of Sri Sk. Basheer and he is not entitled for reinstatement. Point No. (I) is decided accordingly.

12. **Point No. (II) :** Petitioner has not been able to prove that he was terminated or disengaged on 2-8-2002 it appears that he was disengaged on 1-4-1994. He filed this petition in the year 2004 i.e. after lapse of 10 years, he has not been able to prove that his services has been terminated illegally or arbitrarily or without giving any notice as such, he is not entitled for any relief. Point No.(II) is decided accordingly.

Award passed accordingly, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 29th day of September, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

Witnesses examined for the
Respondent

WW1: Sri T. Devakrupavaram MW1: Sri K. V. Ramanaiah
MW2: Sri C. Ramakoteswara
Rao

Documents marked for the Petitioner

Ex. W1: Copy of service certificate dt. 8-6-92
Ex. W2: Copy of service certificate
Ex. W3: Copy of service certificate
Ex. W4: Copy of service certificate
Ex. W5: Copy of service certificate
Ex. W6: Copy of service certificate
Ex. W7: Copy of service certificate
Ex. W8: Copy of service certificate
Ex. W9: Copy of representation by WW1 to SDE
Telecom, Ongole dt. 10-4-2003
Ex. W10: Copy of order in OA No. 1380/95
Ex. W11: Copy of order in OA No. 1232/95 dt.
18-10-95

Documents marked for the Respondent

Ex. M1: Copy of Ir. dt. 28-3-94 reg. termination
of services for the production of bogus
certificates.
Ex. M2: Copy of Ir. dated 17-12-93 reg. termination
of services for the production of bogus
certificates to WW1
Ex. M3: Copy of representation of WW1 to
Respondent dt. 16-9-1993
नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 59.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 121/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-22012/183/2001-आई आर(सीएम-II)]
डी एस एस श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 59.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 121/02) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of Tandsi Project of WCL, and their workmen, received by the Central Government on 07-12-2010.

[No. L-22012/183/2001-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/121/02

PRESIDING OFFICER : SHRI MOHD. SHAKIR HASAN

Authorised Representative of
M.P.K.K.M.P. (HMS),
Kanhana Area, PO Junnardeo,
Chhindwara

Workman/Union

Versus

The Manager,
Tandsi Project of WCL,
Kanhana Area,
PO Rampur Bhata Junnardeo,
Chhindwara

Management

AWARD

Passed on this 24th day of November 2010

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/183/2001-IR (CM-II) dated 27-8-2002 has referred the following dispute for adjudication by this tribunal:-

“Whether the action of the Manager, Tandsi Project of WCL, PO Parasia, Distt. Chhindwara (MP) in not correcting the date of birth of Shri Mehtaru S/o Chhoteylal, Electrical Fitter of Tandsi Project as 20-12-54 instead of 1-7-46 is legal and justified? If not, to what relief the workman is entitled to?”

2. The case of the union/workman in short is that the workman Shri Mehtaru was initially appointed with the management of WCL in the year 1975 and due to mistake his date of birth was incorrectly recorded as 1-7-1946. On the quarries by the management in the year 1982, the workman in reply submitted the School Certificate showing his date of birth as 20-12-1954. Thereafter the management issued a notice No. 89/89 whereby the application was invited for correction of date of birth. The workman is said to have submitted a detail representation supported with documents and prayed to correct the date of birth. When nothing was done for a long period, the workman submitted representations/reminders to the Competent Authority. The workman is said to have approached the competent authority well in time to correct the date of birth. The Union had also raised issue of his date of birth in a meeting with the management (Annexure A/8). It is submitted that the management be directed to correct his date of birth with cost of the suit.

3. The management appeared and filed Written Statement to contest the reference. The case of the management, inter alia, is that the workman was working under the control of Chief Engineer, Regional Workshop, WCL, Kanhan Area and was not working under Manager, Tandsi project. It is admitted that the workman was initially appointed as Electrical helper in the year 1975. He was going to be completed 60 years as on 1-7-2006. He has raised the dispute of his age at very belated stage though opportunity was given to him for raising the dispute of age in the year 1982 and 1987. It is stated that Form B and other statutory records of his service show that his date of birth is 1-7-46. He had himself declared his age as 1-7-1946 at the time of initial appointment. It is submitted that the date of birth of the workman as 1-7-1946 be declared legal, proper and justified.

4. On the basis of the pleadings of both the parties, the following issues are settled for adjudication—

I. Whether the age of the workman Shri Mahtaru is 20-12-1954 or 1-7-1946?

II. What relief, if any, the workman is entitled to?

5. Issue No. I

Before discussing the point for consideration, it is necessary to know the procedure for determination of age of the employees. It is an admitted fact that there is Implementation Instruction No. 76 whereby there is procedure for determination/verification of age of employees. The clause B (i) (a) is the procedure for determination of age on arising any dispute of the employees who are already in the employment of the management. The said clause runs as follows—

“(B) Review/determination of date of birth in respect of existing employees—

(i) (a) In the case of the existing employees Matriculation Certificate or Higher Secondary Certificate issued by the recognised Universities or Board or Middle Pass Certificate issued by the Board of Education and/or Department of Public Instruction and admit cards issued by the aforesaid bodies should be treated as correct provided they were issued by the said Universities/Boards/Institutions prior to the date of employment.”

6. In the light of such instruction now let us examine the evidence adduced by the parties. The workman Shri Mehtroo is examined in the case. He has stated that his date of birth is 20-12-1954. He has stated that he passed Class VIIIth from

M.P. Board and had received Board Certificate of Class VIII. The Instruction No. 76 says that the certificate issued by the recognised University or Board of Middle Pass Certificate issued by the Board of Education and/or Department of Public Instruction should be treated as correct provided they were issued prior to the date of employment. The workman has filed photocopy of middle certificate appears to have been issued by Public Instruction Department prior to the employment. The said photocopy is denied by the management. Thus the said copy cannot be relied as a proof of age. The workman has filed original copies of marksheets of Class Vth, VIIth, IXth and Xth. These marksheets appear to have been issued by the schools and is not issued by Board of Department of Public Instruction. As such these marksheets cannot be the basis for determination of age as per Instruction No. 76. The workman has failed to file the class VIIIth original certificate alleged to have been issued by the department of Public Instruction. There is no evidence on the record that the original has been lost. In absence of such original certificate, the date of birth cannot be said to be correct as has been stated by the workman.

7. On the other hand, the management has also adduced oral and documentary evidence. The management witness Shri Satish Kumar Dubey is Senior Personnel Officer, WCL, Tandsi Project, Kanhan Area. He has supported the case of the workman. He has stated that the date of birth of the workman is 1-7-46 as per service record. The original service Register of the workman is filed which shows that his date of birth is 1-7-46. The said service record was signed by the workman. This shows that he had knowledge of the date of birth as has been recorded in the records of the management. The management has also filed photocopies of Form B which were verified from the original. Form B also corroborates the age as has been alleged by the management. Since the workman has failed to prove his age as 20-7-1954, there is no reason to disbelieve the evidence of the management. Considering the entire oral and documentary evidence on the record, I find that the date of birth recorded by the management as 1-7-46 is to be treated as correct. Thus this issue is decided in favour of the management.

8. Issue No. II

Considering the discussion made above, it is clear that the date of birth as has been recorded in the service record of the workman is correct and the management is justified in not correcting the date of birth as has been stated by the workman. The reference is, accordingly answered.

9. In the result, the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 60.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 104/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-22012/302/2001-आई आर(सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 60.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 104/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of SECL, Raigarh Area, and their workmen, received by the Central Government on 07-12-2010.

[No. L-22012/302/2001-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/104/2002

PRESIDING OFFICER : SHRI MOHD. SHAKIR HASAN

Shri Ramayan, Secretary,
Samyuktha Koyala Mazdoor Sangh,
Qtr. No. M/77,
SECL, Qtrs, Chahal Sub Area,
Distt. Raigarh,
Chhattisgarh . . . Workman/Union

Versus

The Sub Area Manager,
SECL, Raigarh Area,
Distt. Raigarh (Chhattisgarh),
Chhattisgarh . . . Management

AWARD

Passed on this 18th day of November, 2010

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/302/2001-IR (CM-II)

dated 25-7-2002 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of SECL, Raigarh Area in not granting promotion to Shri A.K. Guin to the higher post is fair and justified? If not, to what relief is Shri A.K. Guin entitled and from what date ?”

2. In this reference, the workman appeared in person on 12-4-05. The ordersheet shows that the statement of claim was filed but no such statement of claim is on the record. Rather the copy filed before Assistant Labour Commissioner (Central), Bilaspur regarding his claim was filed. Subsequently he became absent, therefore the reference proceeded exparte against the Union/workman on 17-12-2008.

2. The management appeared and filed Written Statement. The case of the management in short is that the workman Shri Ashok Kumar Guin was initially appointed w.e.f. 13-8-1976 at Hasdeo Area of SECL. He was promoted time to time. While he was working as clerk Grade I at Jhimer colliery of Hasdeo Area he made request to transfer him to Raigarh Area of SECL. His application was sympathetically considered by the management. He was transferred from Hasdeo Area to Raigarh Area vide order dated 7-9-1995 with conditions that the seniority would be counted from the date of joining at the transferred place. He was accordingly relieved vide order dated 13-9-95. The workman submitted his joining at Raigarh Area on 20-9-95. However the workman was eligible for service linked upgradation (SLU) as per NCWA-IV and V and he was given promotion to the post of clerk Grade -I, special Grade w.e.f. 1-1-96. The claim of the workman that his juniors were given promotion is not correct as he came at Raigarh Area on request transfer. It is submitted that the action of the management is legal and justified.

4. The following issues are framed for adjudication—

I. Whether the action of the management in not granting promotion to Shri A.K. Guin to higher post at Raigarh Area is legal and justified?

II. What relief, if any, is the workman entitled to?

5. Issue No. I

To prove the case, the management has adduced oral and documentary evidence. Shri D.D. Tripathy is management witness and is working as CME/sub Area Manager in Raigarh Area. He has supported the management case. He has stated that the workman Shri Guin had requested the management to transfer him from Hasdeo Area to

Raigarh Area. The management sympathetically considered his request and transferred him from Hasdeo Area to Raigarh Area vide order dated 7-9-95. The said order is filed which is marked as Exhibit M/3. The said order clearly shows that the seniority would be counted from the date of joining at Raigarh Area. He has further stated that he was released vide order dated 13-9-95 and the workman joined on 20-9-95 vide joining report dated 20-9-95. These documents are filed and are marked as Exhibits M/4 and M/5 respectively. This clearly shows that the workman had accepted the transfer at his sweet will to lose his seniority. There is no other evidence in rebuttal to the evidence of the management. I do not find any reason to disbelieve the evidence of the management. This issue is thus decided in favour of the management.

6. Issue No. II

On the basis of discussion made above, it is clear that the workman is not entitled to any relief and the action of the management is justified. The reference is, accordingly, answered.

7. In the result, the award is passed without any order to costs.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 61.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या 18/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-22012/149/2005-आई आर(सीएम-II)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 61.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 18/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the Industrial Dispute between the management of Mahanadi Coalfields Limited, and their workmen, received by the Central Government on 07-12-2010.

[No. L-22012/149/2005-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri J. SRIVASTAVA,
Presiding Officer, C.G.I.T. -cum-Labour
Court, Bhubaneswar.

**INDUSTRIAL DISPUTE CASE No. 18/2006
L-22012/149/2005-IR(CM-II), dated 14-08-2006**

Date of Passing Order-26th November 2010

BETWEEN:

The Management of the Director (Personnel),
Mahanadi Coal Fields Limited, Jagruti Vihar,
UCE Burla, Sambalpur, Orissa. ... 1st Party-Management

AND

Their Workmen represented through the
General Secretary, Brajrajnagar Coal Mines Workers Union,
At./Po. Orient Colliery, Via-Brajrajnagar,
Distt. Jharsuguda, Orissa. 2nd Party-Union

APPEARANCES:

Shri Raghumani Dash,	For the 1st Party- Legal Inspector Management
None	For the 2nd Party- Union

AWARD

Case taken up today before Lok Adalat. Authorized representative for the 1st Party-Management is present. None has turned up on behalf of the 2nd Party-Union.

This reference was received in this Tribunal on 31-8-2006. Since then several notices have been issued to the 2nd Party-Union for filing the statement of claim, but no statement of claim has still been filed. More than four years have elapsed since receipt of this reference. Notice for today's date was also issued to the 2nd Party Union but it choose to abstain itself from appearing in the Tribunal. As such the case cannot be allowed to remain pending for long without any purpose. It seems that the 2nd Party-Union is no more interested in pursuing the case. Therefore the reference is liable to be returned to the Government of India, Ministry of Labour for taking necessary action at their end.

The reference is returned to the Government of India, Ministry of Labour for taking necessary action at their end.

Dictated & Corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 62.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एम. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 15/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-22012/232/2004-आई आर(सीएम-II)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 62.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 15/2005) of the Central Government Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the Industrial Dispute between the management of Orient Area, Mahanadi Coalfields Limited, and their workmen, received by the Central Government on 07-12-2010.

[No. L-22012/232/2004-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT : Shri J. SRIVASTAVA, Presiding Officer
C.G.I.T.-cum-Labour Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE No. 15/2005
L-22012/232/2004-IR (CM-II), dated 29-06-2005

Date of Passing Order- 26th November, 2010

BETWEEN :

The management of the General Manager,
Orient Area, Mahanadi Coalfields Limited,
At./Po. Brajrajnagar, Jharsuguda.

... 1st Party-Management

AND

Their Workmen represented through the
General Secretary, Brajrajnagar Coal Mines
Workers Union, Po. Orient Colliery,
Via-Brajrajnagar, Jharsuguda.

...2nd Party-Union

APPEARANCES :

Shri S. S. Lal, : For the 1st Party-
Personnel Manager Management.
None : For the 2nd Party-Union.

ORDER

Case taken up today before Lok Adalat. The 1st Party-Management is present through authorized representative. None is present for the 2nd Party-Union though notice to the 2nd Party-Union was issued through Regd. Post. Earlier to it, several notices were issued to the 2nd Party-Union for filing of the statement of claim but no response was received and the 2nd Party-Union took no chance to file the statement of claim. Therefore the reference cannot be kept pending indefinitely without any purpose. The reference is pending for more than 5 years. It will be a futile attempt to keep it pending any more.

Therefore the reference is returned to the Government of India, Ministry of Labour without any adjudication for taking necessary action at their end.

Dictated & Corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 63.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 122/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-22012/293/2001-आई आर(सीएम-II)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 63.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 122/2002) of the Central Government Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the management of Silleshwara Sub Area, WCL and their workmen, received by the Central Government on 7-12-2010.

[No. L-22012/293/2001-IR (CM-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/122/2002

Dated : 26-11-2010

Petitioner/ : Shri Chandra Shekher Seshrao Dorle,
Party No. 1 R/o Parsodi, Tahsil-Parsheoni,
Distt. Nagpur.

Versus

Respondent/ : The Sub Area Manager,
Party No. 2 WCL, Sillewara Mines, Tah. Saoner,
Distt. Nagpur

AWARD

Dated : 26th November, 2010

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Sillewara Sub Area WCL ("WCL" in short) and their workman, Shri Chandra Shekhar Dorle ("the workman" in short) for adjudication, as per letter No. L-22012/293/2001-IR (CM-II), dated 09-7-2002, with the following schedule :-

"Whether the action of the management of WCL, Sillewara Sub Area, in dismissing Sh. Chandra Shekhar Dorle, at Parsodi, Distt. Nagpur from the service w.e.f. 24-03-1999 is legal, proper and justified? If not, to what relief is the said workman entitled?"

2. Though, in this case, the reference was received by the Tribunal on 13-9-2002 and the workman was directed to file his statement of claim, till 26-11-2010, statement of claim was not filed by the workman. Instead of filing any statement of claim, the workman filed a petition for amendment on 10-7-2007.

On 28-10-2010, a last chance was given to the workman to file his statement of claim and for hearing on the amendment petition and the case was posted to 26-11-2010. The workman did not take any step, so, the petition for amendment was rejected and the case was closed for passing award.

3. In this case, as no statement of claim has been filed by the workman and the management also did not appear before the Court from 15-4-2009, it is found that they are not interested to proceed with the case. Hence it is necessary to pass a no dispute award. Hence, it is ordered

ORDER

The case be treated as "no dispute award", due to the default of the parties.

J. P. CHAND, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 64.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं रिजनल इन्स्टीट्यूट ऑफ एजुकेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट

(संदर्भ संख्या 15/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-42012/248/2005-आई आर(सीएम-II)]
डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 64.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 16/2006) of the Central Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the Industrial Dispute between the management of Regional Institute of Education, and their workmen, received by the Central Government on 7-12-2010.

[No. L-42012/248/2005-IR (CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR**

PRESENT: Shri J. Srivastava, Presiding Officer
C.G.I.T.-cum-Labour Court, Bhubaneswar.

**INDUSTRIAL DISPUTE CASE No. 16/2006
L-42012/248/2005-IR (CM-II), dated 17-08-2006**

Date of Passing Order- 26th November, 2010

BETWEEN:

The Management of the Principal,
Regional Institute of Education,
P.O. R.I.E. Campus, Sachivalaya Marg,
Bhubaneswar -751 022.

... 1st Party-Management

AND

Their Workman represented through the
President, Regional Institute of Workers Union,
At-2RA-50, Road No.4, Unit-IX,
Bhubaneswar -751 007.

...2nd Party-Union

APPEARANCES

Shri U.K. Nanda, : For the 1st Party-
Principal Management.

None : For the 2nd Party-Union

ORDER

Case taken up today before Lok Adalat. The 1st Party-Management is present through its Principal, who has filed

hazira. None is present on behalf of the 2nd Party-Union.

The case is fixed for further orders today. The 2nd Party-Union has sent a withdrawal petition dated 25-1-2010 to this Tribunal by post stating that the Management is taking some steps to consider the matter of the disputant-workmen as the same posts are lying vacant.

The 1st Party-Management represented through the Principal has filed a memo that the case of one disputant involved in this case has already been considered and he was given temporary status as per letter dated 8-6-2010; copy of which has been enclosed and the cases of the rest of the disputant -workmen have been referred to the Head Office i.e. NCERT at New Delhi for approval. After getting the approval from the council their cases will be considered by the 1st Party-Management. Therefore the case may be closed.

The 2nd Party-Union has not been attending the Tribunal after sending the withdrawal petition. Therefore it seems that the 2nd Party-Union is no more interested in pursuing the case. Several notices to the 2nd Party-Union were also sent but no response has been received. As such it will be expedient in the interest of justice to allow the withdrawal petition of the 2nd Party-Union.

Reference is decided as withdrawn and no dispute award is passed accordingly.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 65.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 97/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-22012/319/2003-आई आर(सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 65.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 97/2004) of the Central Government Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s. Singareni Collieries Co. Ltd., and their workmen, received by the Central Government on 07-12-2010.

[No. L-22012/319/2003-IR (CM-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri VED PRAKASH GAUR,
Presiding Officer

Dated the 2nd day of September, 2010

INDUSTRIAL DISPUTE No. 97/2004

BETWEEN:

The Area Secretary,
(Sh. Bandari Satyanarayana),
Singareni Collieries Employees Union(CITU),
Mandamarri - 504231.Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Division,
Mandamarri - 504231Respondent

APPEARANCES:

For the Petitioner : M/s. C. Nagaiah, V.
Subramanyam &
B.V. Chandra Sekhar, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijayalaxmi
Panguluri, Advocates

AWARD

This case has been registered in this tribunal on the basis of reference received from the Government of India, Ministry of Labour by its order No. L-22012/319/2003-IR(CM-II) dated 30-6-2004 under Section 10(1)(d) of the I.D. Act, 1947 to adjudicate the dispute between Sri T. Kanakaiah, Coal filler and the management of Mis. Singareni Collieries Company Ltd. The term of reference is as under :

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Division in not regularizing the services of Sh. T. Kanakaiah, Coal Filler in the post of General Mazdoor Cat.I working continuously since 8 years is legal and justified? If not, to what relief the workman is entitled?”

The reference is numbered in this Tribunal as I.D. No. 97/2004 and notices were issued to the parties. Parties were directed to file their respective statements.

2. The workman union has filed claim statement stating therein that he was working as General Mazdoor since 1997. He was reverted/discharged/dismissed/

retrenched/terminated from the service from September, 2004. At that time he was drawing a wage of Rs. 6000 to Rs.7000 per month.

3. The workman union raised a dispute on 16-4-2001 before Assistant Labour Commissioner(C) for absorption of Petitioner workman as general mazdoor but the dispute was not settled amicably and matter was referred to the Government of India. He has further stated that Petitioner was entitled to be absorbed as general mazdoor in terms of memorandum of settlement dated 31-7-97 entered into between the five major unions and the management.

4. He has submitted that he was appointed as badli filler and then coal filler in the year 1998 and 1990. Although he was appointed as coal filler, he was engaged to work as general Mazdoor in General Shift. As such, he became entitled for absorption as general mazdoor, though the pay of general mazdoor is less than coal filler, after absorption as general mazdoor Petitioner workman can improve his career.

5. Petitioner workman applied for regularization in pursuance of the discussions dated 3-10-1996. Further, the company issued a circular dated 16-7-92 laying down the terms and conditions of regularization of coal filler/badli fillers who have completed 190 musters. The Petitioner workman has put in more than 190 musters working as general mazdoor, he put in more than 200 musters in every calendar year.

6. The standing order of company stipulates that all those employees who have completed 240 days of work shall be regularized in their respective jobs. The management did not regularize the Petitioner as general mazdoor. He was forced to file W.P.No.6803/1999 before Hon'ble High Court of A.P., Hyderabad. The said W.P. was finally decided on 31-12-2001 directing the Petitioner to approach Labour Court.

7. Petitioner filed CF No. 1028/200 1 before the Labour Court which was dismissed by the Labour Court. Then Petitioner again approached the Labour Enforcement Officer(C) and the matter was referred to this tribunal. Petitioner has contended that the action of management in passing reversion order is illegal and unjustified. It is violative of Sec.25F of Industrial Disputes Act, 1947, it is also in violation of Sec.25 G and H of the Industrial Disputes Act, 1947, as such, it should be quashed and Petitioner be directed to be regularized or absorbed as general mazdoor.

8. Respondent management filed counter statement stating therein that provision of Sec.25F, G and H of Industrial Disputes Act, 1947 are not attracted to the present case. Petitioner workman was working as coal filler. He was engaged mainly for the purpose of coal filling, drafting. Though he filed W.P.No.21453/2001, the same was dismissed by Hon'ble High Court of A.P., Hyderabad by order dated 22-4-2002. The Petitioner has neither been

reverted/retrenched/terminated or disengaged, as such, he is not entitled for any relief. He has not worked, he was neither appointed as general mazdoor nor he worked continuously as general mazdoor as he is claiming, he was appointed as badli filler and later on he was absorbed as coal filler. The claim is unjustifiable, deserves to be dismissed.

9. Both the parties were directed to file their evidence. Petitioner workman has filed order dated 30-6-2004, minutes of conciliation proceeding, copy of letter addressed to Assistant Labour Commissioner(C), his salary slip, letter addressed to the Assistant Labour Commissioner(C). He has filed his affidavit, but has not appeared for cross examination, as such, cross examination and evidence were forfeited. Respondent management has filed four documents. Copy of order passed in WP No.6803/99, Copy of order passed in unregistered ID of 2001 dated 26-9-2001, order in WP No.21453/2001, copy of office order dated 4-4-2003 and copy of settlement dated 31-7-1993 and filed affidavit of Sri P. Venkateshwar, Dy. Personnel Manager and produced him for cross examination, but Petitioner has not take care to cross examine the Respondent's witness.

10. The Petitioner did not appear for argument, only Respondent's counsel appeared and argued on behalf of the Respondent. I have heard Learned Counsel for the Respondent and I have gone through the record.

11. This tribunal has to consider,

(I) Whether the action of the General Manager M/s. Singareni Collieries Company Ltd., Mandamarri Division in not regularizing the services of Sh. T. Kanakaiah, Coal Filler in the post of General Mazdoor Cat. I working continuously since 8 years is legal and justified?

(II) If not, to what relief the workman is entitled?"

12. Point No. (I) : The Petitioner's contention is that he has worked as a general mazdoor for a long period as such, he is entitled to be absorbed as general mazdoor. In support of his claim he has filed letter of Singareni Collieries Employees Union dated 5-2-2002 and 16-11-2001. He filed an affidavit but he did not appear for his cross examination or for marking of the documents. Even if it can be presumed that Petitioner's union made representation to Assistant Labour Commissioner (C) complaining that the management is not regularizing the Petitioner as general mazdoor, in the light of undisputed facts that Petitioner was appointed as badli filler later on he was promoted as coal filler it is the bounden duty of the Petitioner to prove that even after absorption and promotion as coal filler he worked as general mazdoor. There is no evidence on the record to prove that the Petitioner has not worked as coal filler but from the very beginning he worked as general mazdoor it can not be presumed that the Petitioner worked as general mazdoor. As against this, the Respondent's

witness Sri P. Venkateswarlu, Dy. Personnel Manager has stated in his counter affidavit that in the year 2002 Petitioner put in 137 days as coal filler and 19 days as acting mazdoor. In the year 2000, 2002 and 2003 he worked as coal filler for 114 days and as acting mazdoor he put in 82 days. During the year 2004, he worked as coal filler for 90 days and 112 days as acting mazdoor and in the year 2005 he worked for 73 days as coal filler and 14 days as acting mazdoor. This statement of the Respondent witness has not been challenged by the Petitioner workman, as such, from the statement and the uncontroverted affidavit of the Respondent's witness it is amply proved that the Petitioner's contention that he regularly worked as general mazdoor and he was not working as coal filler is incorrect. The affidavit goes to show that the Petitioner has put in higher musters as coal filler in the year 2001, 2002, 2003, 2004, 2005 and 2006, as such, the management has committed no illegality in not regularizing the Petitioner as general mazdoor.

13. Petitioner was appointed as badli filler but later on promoted as coal filler as such he can not claim to work as general mazdoor as a matter of right. He was not able to show the term of the agreement entered into between the union and the management, as such, he has not been able to prove that the action of the management is illegal and unjustifiable. Point No. I is answered accordingly.

14. From the discussion of Point No. I and from the claim and counter statement it is undisputed fact that Petitioner was neither reverted nor retrenched/dismissed/disengaged from the services. He was not working as general mazdoor nor he was appointed as general mazdoor nor he desired to be absorbed as general mazdoor. He is a coal filler and working as coal filler. The management has not reverted or retrenched the Petitioner neither because workman has worked as general mazdoor nor he was appointed as general mazdoor, as such, he is not entitled for absorption and regularization as general mazdoor. Thereby he is not entitled for relief claimed by him. The action of management is fully justified. Point No. II is decided accordingly.

15. From the above discussion, this tribunal is of the considered opinion that there is no force in the claim statement and Petitioner is not entitled for relief claimed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 2nd day of September, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

Witnesses examined for
the Respondent

WW 1: Sri T. Kanakaiah

MWL: Sri P. Venkateswarlu

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 66.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 32/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-22013/1/2010-आई आर(सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 66.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 32/2004) of the Central Government Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 7-12-2010.

[No. L-22013/1/2010-IR (C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: **Shri Ved Prakash Gaur**
Presiding Officer

Dated the 7th day of September, 2010

M.P.No.32/2004

BETWEEN:

The Vice President,
A.P. Colliery Mazdoor Sangh,
INTUC, Manugur.
Khammam District.

...Petitioner/Union

AND

The General Manager (Project),
M/s. Singareni Collieries Company Ltd.,
Manugur
Khammam District - 507 123.

...Respondent/Management

APPEARANCES :

For the Petitioner: M/s. G Vidya Sagar, K. Udaya Sri, P. Sudheer Rao, B. Shiva Kumar & D. Madhusudhan, Advocates

For the Respondent: M/s. K. Srinivasa Murthy, V. Uma Devi, C. Vijay Sekhar Reddy & S. Vijay Venkatesh, Advocates

ORDER

The Vice President of A.P. Colliery Mazdoor Sangh has (filed this application under Sec.33C(2) of the Industrial Disputes Act, 1947 for computation of the difference of wages of workman Sri N. Srinath as ordered by Hon'ble High Court of A.P.

2. It has been stated in the claim petition that workman was dismissed from the service. He filed I.D. 55/1999 before Industrial Tribunal-I, Hyderabad which passed award dated 5-10-2001, which was challenged by the management before the Hon'ble High Court of A.P., through WP No.7561/2002. Hon'ble High Court stayed the further proceeding of the award imposing condition that the management shall make payment of Rs.3500 per month to the Petitioner workman and also deposit the back wages calculated at 25% per month w.e.f. 29-7-1996 to 30-4-2002 within a period of 4 weeks.

3. It has been stated that the management has started paying Rs.3500 per month under orders of the Hon'ble High Court and has deposited a sum of Rs.44406.63 ps. before the Hon'ble Industrial Tribunal- I, Hyderabad which is less than actual amount towards 25% of the back wages.

4. It has been alleged that the workman was not paid a sum of Rs.16844 towards 25% wages from 29-7-1996 to 30-4-2002. The Respondent workman made representation but has not been paid by the management as such, amount be computed by this court and be paid along with interest.

5. The management has contended that they have deposited the amount of Rs.44406.63 ps in compliance of the order of Hon'ble High Court passed in WP No.7561 of 2002 which has been withdrawn by the Petitioner workman. No amount is due towards 25% of the wages as ordered by the Hon'ble Industrial Tribunal or Hon'ble High Court. The application and petition is misconceived. The Petitioner has not given the details of amount due to him and this tribunal can not enter into the question of determination of the amount under Sec.33C(2) of Industrial Disputes Act, 1947. Petition deserves to be dismissed.

6. Both the parties has produced their evidence. The workman has filed affidavit of Sri N. Srinath and produced

himself for cross-examination. The Respondent has filed affidavit of Sri G. Murali Sagar Kumar, Dy. Personnel Manager at Manuguru Area and produced him for cross-examination.

7. I have gone through the evidence on record, claim statement and counter statement of the parties. It has to be considered whether the workman is entitled under orders of the Hon'ble High Court to receive more than Rs.44406.63 ps. It was the duty of the Petitioner workman to give a detailed statement of the pay and allowances he was drawing on the date of his dismissal from the service because the back wages could be calculated on the basis of pay and allowances last drawn by workman. What was the last pay drawn by the Petitioner workman has not been disclosed by the Petitioner either in his claim or in his examination in chief. How the amount of Rs.16844 as difference of the wage has been calculated by the Petitioner is also not clear. What is the basis of this difference has not been disclosed by the workman. Against this, the Respondent has deposited Rs. 44406.63 ps, though the Respondent has also not filed any detailed calculation of amount. This tribunal can not go into the merits of calculations arrived at by the Respondent because, the matter of entitlement of the Petitioner is sub-judice before Hon'ble High Court in the WP No.9433/2002. It is under the interim order of the Hon'ble High Court that the proceeding before this tribunal has been stayed and one of the term of condition of the stay of the proceeding before this tribunal is deposited 25% of the back wages by the Respondent, i.e., management. The management alleges that 25% of the back wages comes to a sum of Rs.44406.63 ps. In that case if the Petitioner workman feel or if he is aggrieved that the amount arrived at, by the Respondent is not correct, he must have complained to this effect before Hon'ble High Court that the Respondent has not complied with the order of the Hon'ble High Court and stay order should be vacated. Since the matter is sub-judice before Hon'ble High Court and workman has not given any detailed statement of the pay and allowances he has drawn on the last date of his termination, this tribunal is not in a position to compute the difference of wages Rs.16844 alleged to be computed by the workman through this petition.

8. From the above discussion this court is of the opinion that the petition is misconceived and Petitioner is not entitled to get any computation made through this court if he has got any grievance regarding non-payment of 25% wages as ordered by Hon'ble High Court, he could approach the Hon'ble High Court of A.P., Hyderabad for further direction and suitable orders. Petitioner is not entitled for any relief and computation,

and petition deserves to be dismissed and it is dismissed as such.

Ordered accordingly.

Dictated to the Personal Assistant, transcribed by her corrected and pronounced by me on this the 7th day of September, 2010.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner:	Witnesses examined for the Respondents:
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WW1: Sri N. Srinath	MW1: Sri G. Murali Sagar Kumar
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Documents marked for the Petitioner/Workman

Ex.W1:	Copy of notification dt.13-11-2006
Ex.W2:	Copy of award in ID No. 55/1999 dt. 5-10-2001
Ex.W3:	Copy of order in WPMP No. 9433/2002 in WP No. 7561/2002 dt. 22-4-2002

Documents marked for the Respondent

Ex.M1:	Copy of charge sheet dt.14-10-95
Ex.M2:	Copy of dismissal order dt.
Ex.M3:	Copy of award in ID No.55/1999 dt.5-10-2001
Ex.M4:	Copy of order in WPMP No.9433/2002 in WP No. 7561/2002 dt. 22-4-2002
Ex.M5:	Copy of 25% back wages calculation sheets
Ex.M6:	Copy of Demand Draft for Rs.44406.63 in favour of Chairman, Industrial Tribunal-I, Hyderabad.

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 67.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ संख्या 24/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-41012/18/2008-आई आर(बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 67.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 24/2008) of the Central Government Industrial Tribunal-cum-Labour

Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Southern Railway and their workmen, received by the Central Government on 7-12-2010.

[No. L-41012/18/2008-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 15th November, 2010

Present : A. N. JANARDANAN, Presiding Officer

INDUSTRIAL DISPUTE No. 24/2008

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Southern Railway and their Workman)

BETWEEN

A. Narayanan Petitioner/1st Party

Vs.

The General Manager
Southern Railway Moore
Market Complex,
Chennai-600003

Respondent/ 2nd Party

APPEARANCE :

For the 1st Party/Petitioner	M/s S. Meenakshi &
For the 2nd Party/ Management	N. Sumathy Sri P. Srinivasan

AWARD

The Central Government Ministry of Labour vide its Order No. L-41012/18/2008-IR(B-I) dated 22-5-2008 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the management of Southern Railway in terminating the services of Sri A. Narayanan vide order dated 4-1-2007, is legal and justified? To what relief is the workman concerned entitled?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 24/2008 and issued notices to both sides. Both sides entered appearance through their advocates and filed their Claim Statement and Reply Statement as the case may be.

3. The Claim Statement averments are as follows:

The petitioner appointed as Substitute Bungalow Laskar as per order dated 12-1-2004 of the Southern Railway to work in the bungalow of B. Singaiah, Deputy Chief Vigilance Officer/Accounts on pay-scale Rs. 2550-3200 w.e.f. 12-1-2004 with last drawn wage of Rs. 5,100 above medical benefits, HRA and Free Pass and with temporary status conferred as on 11-5-2004 was issued a Show Cause Notice on 13-12-2006 alleging unauthorized absence from 7-8-2006 and from 6-12-2006 also imputing insincerity in duty as reported by his Officer. He submitted reply on 26-12-2006. Without an enquiry he was terminated from service as per order dated 4-1-2007 without notice or retrenchment compensation. On 9-1-2007 he was directed to return the ID Card, Medical Card and Bicycle. The appeal submitted on 29-1-2007 to the General Manager was informed rejected on 2-4-2007. I.D. was raised which having failed the present reference. The termination is illegal, unjustified, unfair and arbitrary. He is a workman. He has not committed any misconduct. No charges remain proved against him. Even if it is assumed to be not a punitive termination it amounts to retrenchment in the absence of notice or compensation rendering it void being contrary to Section-25F and Section-25N, I.D. Act. The petitioner is therefore entitled to all benefits under Section-25N(7) of the ID Act. The Respondent's action is also violative of Section-25G and Section-25H in as much as his juniors have been retained in service. He has worked for 240 days in a Calendar Year. The termination cannot be made when the requirement of Bungalow Laskar continues. He remains unemployed thereafter. Hence the claim for reinstatement with all benefits.

4. The Reply Statement averments briefly read as follows :

Claim Statement allegations except specifically admitted are denied. Petitioner was appointed subject to conditions mentioned in the order of Asstt. Personnel Officer No. 04/2004 dated 12-1-2004. The terms and conditions were made known to petitioner which he accepted without protest. As per 1st condition, his service will be temporary for 3 years, the period of probation. 2nd condition stipulates termination of his service if not satisfactory or no longer required by Deputy Chief Vigilance Officer/Accounts or Successor or any Administrative Officer within 3 years. On completion of 120 days of continuous service he was granted temporary status w.e.f. 11-5-2004. He was informed about his unsatisfactory performance by Show Cause Notice dated 13-12-2006 for his reply. Reply was not satisfactory in terms of the conditions of appointment and Para-1502 of the IREM, Volume-I (1989 edition). Despite warnings he continued to be absent. From 8-11-2004 to 16-11-2004 and 18-11-2004 to 21-11-2004 he submitted leave applications only on 19-11-2004 with 7 other similar instances. After leaving

Bungalow on 6-8-2006 without information or about his whereabouts he was absent till 11-08-2006. He was not regular in duty despite advice. He had lack of commitment to work. He was terminated from service as per Section-25F of ID Act also. There is no truth that he was retrenched without notice. His mercy appeal was rejected on proper grounds. He cannot have comparison with any others appointed with his vague statements, since the charges are different. His termination is as per the stipulations. Substtute Bungalow Laskars are engaged in Railways to assist the Administrative Grade Officers in their Bungalows. Their services cannot be used at offices regularly. The petitioner is not fit to hold any other post in Railways. It is not practicably admissible to re-engage him in any service. Bungalow Laskars are directly engaged by the Senior Officers without routing through the recruitment channel at their choice. A duty is owed by them to serve the masters satisfactorily. He was issued Show Cause Notice before termination. There is no violation of principles of natural justice or any statutory provisions. ID is to be dismissed.

5. Points for consideration are:

- (i) Whether the action of the Management in terminating the services of the petitioner is legal and justified?
- (ii) To what relief the concerned workman is entitled?

6. The evidence consists of the oral evidence of petitioner examined as WW1 and EX.W1 to EX.W9 on the petitioner's side and the oral evidence of MW1 and EX.M1 to EX.M5 marked on the Respondent's side.

Points (i) and (ii)

7. Heard both sides and perused the records and documents and the written submissions of the Respondent. The learned counsel for the petitioner argued against the termination of the workman from service as Bungalow Peon under the Southern Railway after efflux of a duration of just below 3 years. The allegation against him is unauthorized absence and lack of sincer in work. The action of termination was one to which recourse was made without holding of any enquiry, which is illegal. If it is not a case of termination based on misconduct or penalty still the conditions under Section-25(F) of the ID Act are to be followed, which has not been done. The requirement of the provision under Section-25(H) viz. last come first go has also not been followed admittedly. Petitioner has been awarded temporary status. A Show Cause Notice of termination was thereafter issued to him. The termination order issued to him does not say regarding payment of any retrenchment compensation to the workman which was actually not paid to him. The termination cannot be found to be an order of termination simplicitor but is discernibly an order imposing penalty for which a

departmental enquiry is a pre-requisite, the wanting of which violates Article-309 of the Constitution of India. If at all it is assumed that the termination is not as a penalty then it is retrenchment for which compensation was to have been given. The Indian Railway is a major establishment in which more than 100 employees being employed, there is violation of Section-25(N) of ID Act for the absence of prior permission of government as contemplated under Section-25(N)(7). Hence the termination is void on that score also. It is so under Section-25(G) of the ID Act as well. Ever since his termination he remains unemployed and he is to be reinstated with full back wages. The petitioner was appointed on 12-01-2004 and was terminated on 04-01-2007 just before completion of service of 3 years. He is entitled to the benefits under Section-25(F) of the ID. Act which is a mandatory requirement of law, which has not been complied with. The learned counsel for the petitioner would further argue that the termination is void and is *non-est* in the eye of law. If the petitioner had been only a domestic servant and in spite of that contention of the Management the reference by the Ministry does not stand challenged. The petitioner was leveled with baseless and frivolous allegations. No documents such as EX. M1 to EX. M5 suggest any unsatisfactory performance of the petitioner. Admittedly retrenchment compensation was not paid to the petitioner. Payment of wages is admitted. No evidence of any warning given to the petitioner has been produced. The case is that the petitioner was given oral warning and counseling which is to be specifically proved in the absence of any tangible materials to substantiate the same which has not been done. There is violation of Section-25(F), Section-25(N)(7), Section-25(G) and 25(H). The learned counsel continued to argue that the petitioner had been properly appointed by Railway and has been paid by the Railway Administration. He has been given temporary status, after termination he remains unemployed and he is to be reinstated into service with all benefits.

8. In support of petitioner's contentions the learned counsel invited this Court's attention to a number of decisions of the Supreme Court and High Court as are mentioned as follows :

In the case of ANOOP SHARMA VS. EXECUTIVE ENGINEER, PUBLIC HEALTH DIVISION-I, PANIPAT (2010-5-SCC-497) Supreme Court held that "leaving aside the legal semantics, we have no hesitation to hold that termination of service of an employee by way of retrenchment without complying with the requirement of giving one month's notice or pay in lieu thereof and compensation in terms of Sections-25F(a) and (b) has the effect of rendering the action of the employer as nullity and the employee is entitled to continue in employment as if his service was not terminated".

In the case of NAR SINGH PAL VS. UNION OF INDIA AND OTHERS (2000-3-SCC-588) Supreme Court held "applying the above principles, the order in the instant case, cannot be treated to be a simple order of retrenchment. It was an order passed by way of punishment and, therefore, was an order of dismissal which, having been passed without holding a regular departmental enquiry, cannot be sustained".

In the case of MOHANLAL VS. BHARAT ELECTRONICS LTD. (1981-2-LLJ-70) Supreme Court held "we hold that the termination of service of the appellant was ab initio void and inoperative and a declaration is made that he continues to be in service with all consequential benefits, namely, back wages, in full and other benefits, if any".

In the case of THE MANAGER, GOVERNMENT BRANCH PRESS AND ANOTHER VS. D.B. BELLIAPPA (1979-1-SCC-477) Supreme Court held "it is true that the competent authority had a discretion under the conditions of service governing the employee concerned to terminate the latter's employment without notice. But, such discretion has to be exercised in accordance with the reason and fair play and not capriciously. Bereft of rationality and fairness, discretion degenerates into arbitrariness which is the very antithesis of the rule of law on which our democratic polity is founded. Arbitrary invocation or enforcement of a service condition terminating the service of a temporary employee may itself constitute denial of equal protection and offend the equality clause in articles 14 and 16(1)".

In the case of DILIP HANUMANTHRAO SHIRKE AND OTHERS VS. ZILA PARISHAD, YAVATMAL AND OTHERS (1990-1-LLJ-445) High Court of Bombay held "to make appointments for specific periods did not absolve the management from complying with the conditions stipulated under Section-25F of the Industrial Disputes Act at the time the period of employment comes to an end. The benefit of law laid down by the Supreme Court was extended to all the workmen, even to those who were employed for specific work or for a particular job and even to casual labourers who were engaged merely to complete casual nature of work".

In the case of K. RAJENDRAN VS. DIRECTOR (PERSONNEL), PROJECT AND EQUIPMENT CORPORATION OF INDIA LTD., NEW DELHI AND ANOTHER (1992-1-LLN-150) Madras High Court held "in view of the discussion, there is no difficulty in coming to the

conclusion that the termination of service of the petitioner in this case amounts to retrenchment within the meaning of S.2(00) of the Act and that that the respondent has not complied with the mandatory provision of S. 25F of the Act by paying the retrenchment compensation to the petitioner and, therefore, the impugned order of the respondent terminating the service of the petitioner is bad in law and the same is liable to be set aside”.

In the case of D.K. YADAV VS. J.M.A. INDUSTRIES LTD. (1993-3-SCC-259) Supreme Court held “the cardinal point that has to be borne in mind, in every case, is whether the person concerned should have a reasonable opportunity of presenting his case and the authority should act fairly, justly, reasonably and impartially. It is not so much to act judicially but is to act fairly, namely, the procedure adopted must be just, fair and reasonable in the particular circumstances of the case. In other words application of the principles of natural justice that no man should be condemned unheard intends to prevent the authority from acting arbitrarily affecting the rights of the concerned person”.

In the case of DHARMANAND AND ANOTHER VS. UNION OF INDIA AND OTHERS (2004-10-SCC-609) Supreme Court held “we are of the view that if these petitioners should have been treated as government servants, the services could not have been terminated on the ground that their services were no longer required. The only ground stated for terminating service was that it was only for 5 years' tenure and their services were not longer required. We hold that termination was illegal and the petitioners are entitled to be reinstated in service forthwith. The petitioners are also entitled to get consequential benefits”.

In the case of L. ROBERT D' SOUZA VS. EXECUTIVE ENGINEER, SOUTHERN RAILWAY AND ANOTHER (1982-1-SCC-645) Supreme Court held “absence without leave is a misconduct and termination of service on such ground without complying with minimum principles of natural justice would not be justified”.

In the case of MANAGER (P&A), ONGC LTD., CHENNAI VS. G. RADHAKRISHNAN (2005-2-LLN-881) High Court of Madras held “on a plain reading of S.2(00)(bb), it is quite clear that such term based employment would fall outside the scope of “retrenchment” is long as the requirement of such fixed period of employment was bona fide required by the employer. It was,

therefore, repeatedly pointed out that such excepted categories required a rigorous test rather than accepting the plea of employer on its face value or otherwise it would cause serious prejudice to an employee, who can be taken for a ride by unscrupulous employers by contending that the term of employment was for specific period though as a matter of fact such period of employment lasted quite for a long spell”.

In the case of M/s J.K. COTTON SPINNING AND WEAVING MILLS COMPANY LTD. VS. THE LABOUR APPELLATE TRIBUNAL OF INDIA, IIIrd BRANCH, LUCKNOW AND OTHERS (AIR-1964-SC-737) Supreme Court held. “while we are dealing with this point, it is necessary to bear in mind that the bungalows are owned by the appellant and they are allotted to the officers as required by the terms and conditions of the officers employment. Since the bungalows are allotted to the officers, it is the duty of the appellant to look after the bungalows and take care of the gardens attached to them. If the terms and conditions of service require that the officers should be given bungalows and gardens are attached to such bungalows, it is difficult to see why in the case of Malis who are employed by the appellant, are paid by it, and who work subject to its control and supervision and discharge the function of looking after the appellant's property, it should be said that the work done by them has no relation with the industry carried on by the appellant. The employment is by the appellant, the conditions of service are determined by the appellant, the continuance of service depends upon the pleasure of the appellant, subject, of course, to the Standing Orders prescribed in that behalf and the work assigned to the Malis is the work of looking after the properties which have been allotted to the officers of the appellant. Like the transport amenity provided by the factory to its employees, bungalows and gardens are also a kind of amenity supplied by the employer to his officers and the drivers who look after the buses and the Malis who look after the gardens must, therefore, be held to be engaged in operations which are incidentally connected with the main industry carried on by the employer”.

In the case of V.P. AHUJA VS. STATE OF PUNJAB AND OTHERS (2000-3-SCC-239) Supreme Court held “a probationer like a temporary servant, is also entitled to certain protection and his services cannot be terminated arbitrarily, nor can those services be terminated

in a punitive manner without complying with principles of natural justice".

9. The contra contentions on behalf of the Respondent advanced by its learned counsel are that petitioner being engaged as a Bungalow Laskar cannot claim the benefits as a matter of right. His engagement is not under the force of a statutory rule. His appointment is of contractual nature. In his case Article-311 of the Constitution is not attracted. His appointment was for 3 years whose service if not satisfactory during the interregnum can be terminated. Provisions of Section-25(F) or Section-25(G) are not attracted. Though the appointment was with the approval of the General Manager, the appointment was not as per the rules, norms or the recruitment procedure in vogue. He cannot therefore be regularized. The domestic service does not cover service under an industry. There cannot be invocation of the ID Act provisions by the petitioner. The claim is not maintainable. The petitioner cannot be said to be a Railway Servant. He was only engaged as a Substitute Bungalow Laskar under the Dy. Chief Vigilance Officer/Accounts. The appointment was on the clear instruction of liability to termination of service for unsatisfactory performance, etc. Show Cause Notice for termination was issued on 13-12-2006. His reply was not acceptable. It is continued to argue that not holding of an enquiry in the case of the petitioner cannot be bad since the termination order of the authority is for unsatisfactory performance of the workman. Senior Railway Officers being with investiture of authority and thus privileged to appoint Bungalow Peon are clothed with ultimate authority to allow the Peon to continue or to be discharged on their personal satisfaction. The termination of the service of the petitioner is not retrenchment being only as per the terms of the Appointment Order. It is a case of termination simpliciter for unsatisfactory performance not warranting departmental enquiry. There is no violation of principles of natural justice. There is no legal requirement to hold an enquiry when the petitioner was disengaged on the grounds of unsatisfactory work.

10. In the case of *UNION OF INDIA AND OTHERS VS. A.P. BAJPAI AND OTHERS* (2003-2-SCC-433) the apex Court held "mere fact that in response to the challenge the employer states that the services were not satisfactory could not ipso-facto mean that the service of the petitioner were being terminated by way of punishment."

11. The learned counsel for the Respondent further relied on the decision in *ONGC AND OTHERS VS. MD.S. ISKANDAR AIL* (1980-3-SCC-428) where it is held by the Supreme Court that it is well settled by a long course of decisions of this Court that in the case of a probationer or a temporary employee, who has no right to the post such a termination of the services is valid and does not attract Article-311 of the Constitution.

12. In *SECRETARY STATE OF KARNATAKA AND OTHERS VS. UMA DEVI AND OTHERS* (2006-4-

SCC-1) Supreme Court held, inter alia, that "no regularization to those not appointed as per rules can be given". It further reads "appointments made on contract basis or on daily wages and in violation of statutory rules or rules framed under proviso to Article-309 of the Constitution, being void ab initio and thus nullities, question of regularizing their services would not arise".

13 In the present reference the termination from service of the petitioner-workman appointed as Substitute Bungalow Laskar by the General Manager of the Southern Railway is in challenge. The noteworthy contentions on behalf of the petitioner precisely are that the termination was one brought about without holding an enquiry rendering it illegal and void ab initio. The impugned termination cannot be found to be an order of termination simpliciter but is a punitive one for which departmental enquiry is a sine-qua-non. Even if it is not a punitive one, it could only be a retrenchment for which compensation was to have been given but has not been paid. The termination was made just before completion of 3 years service and the petitioner is thereby entitled to wages by way of compensation. The termination is also void and is non-est in the eye of law. He is appointed by a Railway Authority. The termination of the petitioner in any view of the matter is illegal, unjust, arbitrary and against the principles of natural justice. It lacks bonafides. The ground for the termination held out as unsatisfactory performance of the petitioner is not at all established by any evidence, which reason alone enables to terminate him from service. But that does not mean that the petitioner is to be treated as though he is not subject to any rule of law. The so-called reason for termination such as unsatisfactory performance does not stand established. An instance of stray absence with or without permission during a given period and in quick succession thereafter being read as unsatisfactory performance of work is too illogical and unethical. Going by Ex.W1-Appointment order issued to the petitioner it could be gathered that the appointment of the petitioner as Bungalow Laskar constitutes another like of recruitment independent of the normal recruitment rules applicable generally to the Railway Administration. A Bungalow Laskar after having been once appointed, as to what shall be the career progression avenues that may enure to him and the norms and conditions of his services are also provided. It includes grant of temporary status by which he is entitled to all rights and privileges admissible to temporary railway servants. He will be eligible for regularization against Group 'D' vacancies in the open line field units subject to medical fitness after completion of 3 years continuous service from the date of temporary status. After absorption if he is not required for any reason such as transfer of the Officer or by his successor he will be transferred to the unit where his lien is to be maintained. The very provisions as above amply go to show that Bungalow Laskar is not to be thrown out simpliciter. The ground for termination is unsatisfactory

work within 3 years. From the above norms and conditions of service of Bungalow Laskar it could well be found that the decision of the Apex Court in Uma Devi's case has no application to the facts of this case. The termination of petitioner from service cannot be understood to be one due to any unsatisfactory work or performance of the petitioner. It discernibly was the outcome of absence of the petitioner on leave for a few days allegedly with no applications in advance. Understandably this situation moved his Officer to be arrogant and hostile towards him to turn him out from service which is an in-humanitarian conduct and is much against all notions of justice equity and good conscience. It is quite arbitrary. It is quite illegal. It is a malafide action. That the petitioner was only a Bungalow Laskar, always to be and at his beck and call does not mean that he could be dealt with by the very Officer in any way he pleases. Even though a menial, the constitutional guarantee of fundamental rights, freedom and right to dignity and decent living could never be negated to him. He cannot but be subjected to Certified Standing Orders of the Management when an action is proposed to be taken against him. It is good to remember in this context the settled law on the fact that Certified Standing Orders have statutory force which do not expressly exclude the application of the principles of natural justice (1993-3-SCC-259 of the Apex Court already quoted above). The post in which the petitioner is borne cannot be read as one to which he has no right of a lien in as much as the Ex. W1-Appointment Order clearly intends the career progression of the petitioner once he entered into service as a Bungalow Laskar. His entitlement to continue in service though purely temporary in nature with liability to be discharged within 3 years for unsatisfactory work and coupled with insincerity in work when he is discharged for that reason that very reason should be substantiated by the Management before he is terminated. Here the absence of enquiry is quite illegal and arbitrary and it springs much against the Management's highly in human action. The issuance of termination notice to the petitioner could not be said to be an efficacious substitute for a proper enquiry holding of which is a mandatory requirement of all canons of rule and the principles of natural justice. The decisions relied on by the learned counsel for the petitioner fully support the above view. The decisions relied on by Respondent's Learned Counsel are not relevant. The absence of holding an enquiry and allowing servants like the petitioner being terminated from service in an arbitrary manner is totally unjust. It will lower the condition of employment of such workmen subject to the sweet will and pleasure of his employer, whoever he is, relegating it to the ancient concept of employment by kings, former rulers of erstwhile kingdom known as "pleasure tenure" with a transient life, last for a time until only the workman or employee is able to keep his employer exhilarated in any situation irrespective of whether or not that could be really possible of being done

by the employee invariably. It is quite improper in a refined Society and for a civilized life. It is too undemocratic an approach to be sustained. Non-compliance of S.25(F), 25(N), 25(G) and 25(H) also renders the action void and non-est. Therefore, it is only to be held that the termination of service of the petitioner is illegal and unjustified. The same is set aside. The petitioner is ordered to be reinstated into service forthwith with full backwages, continuity of service and all attendant benefits.

14. Thus the reference is answered accordingly. (Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 15th November, 2010)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the I Party/Petitioner WW1, Sri A. Narayanan

For the II Party/Management MW1, Sri V. Sreenivasan

Documents marked

On the side of the Petitioner

Ex.No	Date	Description
Ex. W 1	12-1-2004	Appointment Order
Ex. W 2	13-12-2006	Show Cause Notice
Ex. W 3	26-12-2006	Explanation to the Show Cause Notice
Ex. W 4	4-1-2007	Order of termination
Ex. W 5	29-1-2007	Appeal filed against the order of termination
Ex. W 6	2-4-2007	Order rejecting the appeal
Ex. W 7	20-11-2006	Medical Record
Ex. W 8	24-11-2006	Medical Record
Ex. W 9	5-12-2006	Medical Record

On the side of the Management

Ex. No	Date	Description
Ex. M 1	12-1-2004	Appointment Order
Ex. M 2	2-4-2007	Appeal Disposal Order
Ex. M 3	12-12-2002	Policy instruction issued by Chief Personnel Officer
Ex. M 4	15-9-2004	Order granting temporary status
Ex. M 5	Nil	Abstract of Section-2(OO) and 25(F) (as amended by Act 49 of 1986 of the Industrial Disputes act, 1947)

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 68.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 22/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-12011/12/2008-आई आर(बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 68.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, received by the Central Government on 7-12-2010.

[No. L-12011/12/2008-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/22/2008 Dated : 29-11-2010

Petitioner/ : The Dy. General Secretary,
Party No. 1 : State Bank of India Staff Union
(Mumbai Circle) Branch,
S. V. Patel Marg,
NAGPUR.
Versus
Respondent/ : The Dy. General Manager,
Party No. 2 : State Bank of India, Zonal Office,
Kingsway, S. V. Patel Marg,
Nagpur.

AWARD

(Dated : 29th November, 2010)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India, Zonal Office, Nagpur ("SBI" in short) and their workman, Shri D.J. Pande ("the workman" in short) for adjudication, as per letter No. L-12011/12/2008-IR (B-I) dated 10-07-2008, with the following Schedule :—

“Whether the action of the management of State Bank of India in awarding punishment of dismissal

w.e.f. 25-11-2005 to Shri D. J. Pande, ex-Assistant from the Bank's service is proper, legal and justified? If not, to what relief is the workman concerned entitled?”

2. Though, in this case, the reference was received by the Tribunal on 17-7-2008 and the workman was directed to file his statement of claim, till 25-10-2010, statement of claim had not been filed by the workman. However, in the interest of justice, on 25-10-2010, a last chance was given to the workman to file the statement of claim on 29-11-2010.

3. On 25-10-2010, a last chance was given to the workman to file his statement of claim and the case was posted to on 29-11-2010, also neither the workman appeared, nor filed the statement of claim. Hence the case was closed for passing award.

4. As no statement of claim has been filed by the workman and the management also did not appear before the Court from 1-12-2008, it is found that the parties are not interested to proceed with the case. Hence, it is necessary to pass a 'no dispute award'. Hence, it is ordered:

ORDER

The case be treated as “no dispute award”, due to the default of the parties.

J. P. CHAND, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2010

का.आ. 69.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 36/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-41012/140/2004-आई आर(बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 7th December, 2010

S.O. 69.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2005) of the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workman, received by the Central Government on 7-12-2010.

[No. L-41012/140/2004-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-1, CHANDIGARH**

Case I. D. No. 36/2005

Sardool Singh C/o The Divisional Secretary, Uttar Railway
Karamchari Union, Himmatpura Colony, Railway Colony,
Ambala Cantt. (Haryana)-

...Applicant

Versus

The Divisional Railway Manager, Northern Railway, DRM
Complex, Ambala Cantt. Haryana.

...Respondent

APPEARANCES:

For the Workman : Shri R.P. Rana.

For the Management : Shri N.K. Zakhmi.

AWARD

Passed on : 26-11-2010

Government of India, vide notification No. L-41012/140/2004-(IR(B-I), dated 28th of July, 2005 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :

“Whether the action of the management of Northern Railway, Ambala Division, Ambala Cantt. in not granting seniority to Shri Sardul Singh w.e.f. 15-7-1989 after promoting him and taking work as Jeep Driver who was responsible for traffic rules etc. and paid wages accordingly is just and legal? If not, to what relief the concerned workman is entitled to and from which date?”

After receiving the reference parties were informed. Parties appeared and filed their respective pleadings. The case of the workman in nut shell is that he joined the railway department as T-Mate on 01-07-1984. He was screened in Class-IV category in the year 1987 and he was regularized as T-Mate in the year 1988. He was matric pass and, accordingly, he was promoted as a Driver w.e.f. 15-07-1989. He qualified the trade test for the post of Driver on 14-12-1989 conducted by AEN, Ambala Division. Initially his seniority was fixed as per the trade test conducted by the management and passed by him on 14-12-1989, but to his surprise, he was again trade tested on 30-03-1990 and his seniority was again refixed as per the second trade test. The workman has prayed for his seniority as a Driver with effect from 15-07-1989 from the day he joined the department as a Driver.

The management opposed the claim of the workman by filing written statement. Preliminary objections were

raised that his claim is bad by delay and laches. The workman has raised the claim after 10 years without showing any reasons for raising the industrial dispute after abnormal delay. On merits, the management has also denied any illegality in giving the seniority to the workman. The management has referred Rule 302 of the regulation relating to seniority of non-gazetted railway servants which is in Chapter IIIrd of the Regulations.

It is further contended by the management that workman was trade tested on 30-03-1990 and he was given the seniority w.e.f. 16-08-1990 as per the above mentioned rules.

Both of the parties were afforded the opportunity for adducing evidence. Witnesses of the parties filed their respective affidavits but no one was cross-examined. Order dated 29-10-2009 makes it clear that workman was available for cross-examination but no one was present for the management. Accordingly, the opportunity for cross-examination of workman was closed. As the management failed to ensure presence of any witness, the evidence of the management was also closed. Documents filed by the workman have not been denied by the management. Rather it is accepted that two trade tests for the post of Driver were conducted and workman qualified both of the tests.

I have heard the parties and their learned counsel at length. It is the contention of learned counsel for the workman that workman was working as a Driver from 15-07-1989 and he qualified the trade test for the Post of Driver on 14-12-1989. He is entitled for the seniority as a Driver from 15-07-1989. The second trade test conducted by the management on 30-03-1990 was illegal. On the other hand learned counsel for the management has argued that as per rule 302, of the Regulation seniority was correctly maintained w.e.f. 16-08-1990. It is admitted by learned counsel for the management that workman was paid salary of Driver w.e.f. 15-07-1989 and qualified the trade test for the post of Driver on 14-12-1989, but the first trade test dated 14-12-1989 was not validly conducted. Accordingly, as per the rules, another trade test was conducted on 30-03-1990 and when the workman passed the same he was given the seniority w.e.f. 16-08-1990.

As stated earlier, I have heard the parties at length and perused the entire materials on record. I have also gone through the rules relating to the seniority for initial recruits. It is specifically mentioned in Rule 302 that unless specifically stated otherwise, the seniority among the incumbent of a post in a grade is governed by the date of appointment in the grade. The grant of pay higher than the initial pay should not, as a rule, confer on the railway servant seniority above those who are appointed against regular posts. In categories of the posts partially filled up by direct recruitment and partially by promotion the criteria for determination of seniority should be the date of the regular promotion after the process in the case of promotee

and the date of joining the working post after due process in the case of the direct recruitment subject to maintenance of inter se seniority of these promotees and direct recruits among themselves.

There is no dispute that workman was working as a driver w.e.f. 15-07-1989. For regularization of his services as a driver a trade test was conducted on 14-12-1989. He qualified the trade test. The workman appointed as a permanent T-mate in the Railway department. The work of a driver from a T-mate was taken by the department. ipso facto shows that the post of driver, was lying vacant. For regularizing him against the post of driver as per the rules, a trade test was conducted. He appeared to the trade test and was declared pass on 14-12-1989. Thus, as per the rules the workman cannot claim his seniority from the date of his working as a driver w.e.f. 15-07-1989 but he is entitled for his seniority from the date of passing the trade test as a driver that too w.e.f. 14-12-1989. Rule 302 makes it specifically clear that in categories of the posts by promotion, the criteria for determination of seniority should be the date of regular promotion after the due process in the case of promotee. Conducting the trade test is a due process for promotion to the posts the trade test was conducted. The result of the trade test was also declared and the management has acted upon the result of the trade test. The workman has given the seniority as per the trade test conducted by the management and passed by the workman on 14-12-1989. But reasons known to the management workman was again asked to appear for the trade test on 30-03-1990 which he again qualified. If a test has been conducted earlier, the same test cannot be conducted again unless the previous one has not been set aside for cogent reasons by the management. The management has not taken any decision or passed any order on the trade test conducted by it and passed by the workman on 14-12-1989. Thus, conducting the same test again for the same post and that too in the circumstances where the workman was working on the same post which he qualified in first trade test conducted on 14-12-89, will, be, void and illegal as per the provision of rule 302 of the Regulations contained in Chapter-III.

The workman was working as a driver since 15-07-1989. His trade test was conducted on 14-12-1989. He was declared pass in the test. The management acted upon on the result of the trade test. There was no reason before the management to conduct the trade test against the workman again conducted the same and disturbed his seniority. Accordingly, act of the management conducting the trade test on 30-03-1990 was against rule 302 of the Regulations and the same is liable to be quashed. The workman shall be given seniority and all consequential benefits from the date he qualified the trade test on dated 14-12-1989. The management is directed to correct the seniority list and give the benefit of seniority to the workman w.e.f. 14-12-1989. It is hereby made clear that

name of the workman shall be last among drivers in the same zone already appointed or promoted permanently as a driver prior to 14-12-89. All the drivers appointed after 14-12-1989 shall be juniors to the workman. Management is further directed to correct the seniority list and to give all the consequential benefits to the workman within one month from the date of publication of the award. Let Central Govt. be informed for publication of award and thereafter, file be consigned to record room.

G.K. SHARMA, Presiding Officer

Chandigarh

Dated: 26-11-10

नई दिल्ली, 8 दिसम्बर, 2010

का.आ. 70.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 27/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-2010 को प्राप्त हुआ था।

[सं. एल-41012/16/2008-आई आर(बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 8th December, 2010

S.O. 70.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/2008) of the Central Government Industrial Tribunal-cum-Labour Court-1, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway and their workman, received by the Central Government on 7-12-2010.

[No. L-41012/16/2008-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Monday, the 15th November, 2010

Present : SHRI A. N. JANARDANAN, Presiding Officer

Industrial Dispute No. 27/2008

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) between the Management of Southern Railway and their Workman)

BETWEEN:

Sri Surender Singh Panwar : 1st Party/Petitioner
Vs.

The General Manager
Southern Railway
Moore Market Complex
Chennai-600003

2nd Party/Respondent

Appearance :

For the 1st Party/Petitioner : M/s S. Meenakshi &
N. Sumathy

For the 2nd Party/Management : Sri J. Kalyan

AWARD

The Central Government, Ministry of Labour vide its Order No. L-41012/16/2008-IR(B-I) dated 23-05-2008 referred the following industrial dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of Southern Railway in terminating the services of Sri Surender Singh Panwar vide Order No. 172 of 2007 dated 12-07-2007, is legal and justified ? To what relief is the workman concerned entitled”.

2. After the receipt of industrial dispute, this Tribunal has numbered it as ID 27/2008 and issued notices to both sides. Both sides entered appearance through their advocates and filed their Claim Statement and Counter Statement as the case may be.

3. The allegations in the Claim Statement are as follows :

The petitioner was appointed as a Substitute Bungalow Laskar by the General Manager, Southern Railway on 15-09-2005. It was finding him medically fit to work. He was attached to the Bungalow of Mr. Rajendra Prasad, CPDE/Madras, Officer. The order contemplates conferment of temporary status after 4 months continuous work and eligibility for regularization as Group ‘D’ after completion of 3 years continuous service from date of temporary status. His last drawn salary was Rs. 6,573 per month. He was granted temporary status as per order dated 23-03-2006. On 29-06-2006 he was transferred together with his Officer to the Construction Department in existing vacancy. From 16-02-2007 he availed 20 days leave with permission and left for his village in Uttaranchal availing Privilege Pass from Madras to Haridwar. He had to take care of his infant son affected with Pneumonia who eventually died on 13-03-2007. Thereupon he made a special request on 11-03-2007 and 21-03-2007 to his Officer through STD calls to Mobile No. 09444089930 for leave extension which was originally granted. When he reported for duty on 02-04-2007 he was startled to hear that another was employed in his place no more requiring his services. He had not been paid salary for March, 2007. His oral requests were not replied to. On 01-06-2007 a Show Cause Notice

was issued to him charging about his unsatisfactory and lack of interest in work since September, 2006. His integrity has also been questioned. He was alleged of unauthorized absence from work since 16-02-2007. Another charge is that he mixed insecticide with food, which related to September, 2006. But Show Cause Notice was issued only on 01-06-2007. It was only an afterthought to cover up for the unjust action of denial of work. Insecticide mixing incident is false going by cavalier manner of his disclosure with no other details of consequences, etc. Show Cause Notice was issued by the Officer and not CAO. On 13-06-2007 he gave a reply denying all charges. On 12-07-2007 he received letter of termination with 2 cheques of Rs. 6,573 and Rs. 3289 towards one month salary in lieu of notice. Performance was rated unsatisfactory. Termination Order was issued without enquiry or without a fair or independent application of mind. The ID was raised which on failure the reference is occasioned. The termination is wholly unfair, illegal and arbitrary. The petitioner is a workman who has not committed any misconduct. The charges remain not proved. Allegations are false. The termination assumed to be not punitive amounts to retrenchment in the absence of notice and compensation. There is violation of Section-25N of ID Act as well. Petitioner is entitled to benefits under Section-25N of ID Act. The Action is also violative of Sections-25G and Section-25H. He has worked for 240 days in a Calendar Year. The need for Bungalow Laskar continues. He remains unemployed after termination. Termination being illegal and unjustified, he is to be reinstated with all benefits.

4. The contentions in the Counter Statement are as follows :

While denying the allegations except those specifically admitted it is submitted that Bungalow Laskar is to do domestic service in the residence of the Officer. It is a post of choice of the officer on whose recommendation the candidate is appointed. Petitioner was engaged in the residence of Sri Rajendra Prasad, then CPDE/MAS. His service is purely temporary in nature with liability to be discharged within 3 years without any reason or notice, Petitioner is not a workman and cannot invoke ID Act provisions. Industry does not cover domestic service. ID is to be dismissed in limine. Central Administrative Tribunal, Principal Bench observed that it has been conceded by counsel on either side that Bungalow Khalasis were not railway employees and could be terminated in terms of their contract in the absence of temporary status acquired. It is further observed that after bungalow Peon acquires temporary status on completion of continuous service prescribed by the General Manager, he requires temporary status. After temporary status his service can be terminated for unsatisfactory work without enquiry and it is not bad or illegal for want of notice before termination. In such termination, he may be entitled to get paid for in lieu of notice. Petitioner had been engaged as

Substitute Bungalow Laskar on 15-09-2005. It was under clear instructions that service are liable to be terminated for unsatisfactory work within 3 years and that his engagement did not confer on him any title or claim for absorption. When his Officer was transferred as Chief Engineer (Construction), Egmore, the petitioner was also transferred on 01-07-2006. On completion of 6 months service he was granted temporary status on 23-03-2006.

On 15-03-2007 his Officer informed unsatisfactory performance of the petitioner and about his unauthorized absence from 16-02-2007 with advise to terminate him. Show Cause Notice was issued on 01-06-2007 to which he gave explanation dated 13-06-2007 which being unsatisfactory, his services are liable to be terminated. He was paid retrenchment compensation of Rs. 1,299 as per Section-25(F)(h) of ID Act and Rs. 6,573 as wages in lieu of notice period on 12-07-2007. Under Para-1502(1) of IREM, Volume-I “a person without leave on a permanent post is not entitled to notice of Termination”. Railway Board or General Manager could make rules or issued instructions for appointment of substitute on terms and conditions. ‘Substitute’ appointment is for stop-gap arrangement. Such persons are not entitled to any right under IREM. Para-1515 of IREM is applicable only to casual labour with temporary status. Hence Para-1515 is not applicable in this case. Government can terminate his service simplifier temporary government servant. He is not entitled to pay for March, 2007 since he was unauthorizedly absent. His reason in his explanation dated 30-05-2007 is not acceptable. He has no right over the post being in temporary status. Question of disciplinary proceeding does not arise Supreme Court held that the case of a probationer or a temporary employee with no right to the post termination does not attract Article-311 of the Constitution. Section-25(F) and Section-25(N) are not applicalbe but on humanitarian grounds notice and retrenchment compensation were granted to him. his discharge is justified.

5. Points for consideration are:

(i) Whether the termination of service of the petitioner is legal and justified?

(ii) To what relief the concerned workman is entitled?

6. Evidence consists of the oral evidence of WW1 and Ex.W1 to Ex.W12 on the petitioner’s side and the testimony of MW1 and Ex.M1 to Ex.M7 on the Respondent’s side.

Points (i) & (ii)

7. Heard both sides and perused the records and documents and the written submissions of the Respondent. The learned counsel for the petitioner argued against the termination of a workman from service as Bungalow Peon under the Southern Railway after efflux of a duration of

1 year and 10 months. The allegation against him is unauthorized absence and mixing up of poison in the food of his boss at his Bungalow. The action of termination was one to which recourse was made without holding of any enquiry, which is illegal. If it is not a case of termination based on misconduct or penalty still the conditions under Section-25(F) of the I.D. Act are to be followed, which has not been done. The requirement of the provision under Section-25(H) viz. last come first go has also not been followed admittedly. Petitioner has been awarded temporary status as evidenced by Ex.W2 by the Respondent. Ex.W3 is the Railway Privilege Pass has been issued to him. On 16-02-2007 he applied for leave for 20 days. It was to proceed to his native place to attend his sick child who was sick. For the same reason he could not return to duty. Therefore, he made telephonic calls to his boss on 11-03-2007 and 21-03-2007. His 1 year old Son expired as is evidenced from Ex.W4-Death Certificate. When he reported for duty on 02.04.2007 he was denied work and he was startled to find a substitute working in his place. He further submitted Ex.W7, Ex.W8 and Ex.W10 representations to the authorities but he was being issued a Show Cause Notice of termination after Ex.W8 representation. For the allegation of mixing of insecticide with food of his Officer, 4 months time was taken. Thereafter he was issued Ex.W11-Termination Order which does not say payment of any .retrenchment compensation to the workman. Until termination there has not had been any complaint against the petitioner. The Claim Statement only finds mention in it a sum of Rs. 3,289 without any details thereof having been paid over and above a sum of Rs. 6,573. The termination cannot be found to be an order of termination simplicitor but is discernibly an order imposing penalty for which a departmental enquiry is a pre-requisite, the wanting of which violates Article-309 of the Constitution of India. If at all it is assumed that the termination is not as a penalty then it is retrenchment for which compensation was to have been given. The Indian Railway is a major establishment in which more than 100 employees being employed. There is violation of Section-25(N) of I. D. Act in the absence of prior permission of government as contemplated under Section-25(N)(7). Hence the termination is void on that score also. It is so under Section-25(G) of the I.D. Act as well. Ever since his termination he remains unemployed and he is to be reinstated with full backwages. It is further continued to argue by the learned counsel that it is alien to comprehension why full salary was paid to the petitioner if he had been absent during February, 2007 as evidenced by Ex.W12-Salary Slip of Petitioner. The case of the Management revealed through the testimony of MW1 is that petitioner’s was terminated as per Ex.M1 which is only a complaint. There is no complaint that petitioner fabricated any pass. While the Appointment Order was issued to the petitioner by the Administrative Officer, the order termination of the petitioner is seen made by his

Officer. The petitioner was appointed on 15-09-2005 and was terminated on 12-07-2007 after completion of more than a year so he is entitled to the benefits under Section-25(F) of the I.D. Act which is a mandatory requirement of law, which has not been complied with in *litera scripta* of the provision. Payment of anything short of the statutory requirement cannot protect the authority bound by the provision to act as really envisaged. The learned counsel for the petitioner would further argue that the termination is void and is non-est in the eye of law. If the petitioner had been only a domestic servant and in spite of that contention of the Management the reference by the Ministry does not stand challenged. Again for the same reason it is in dark as to why Ex.M1 complaint was written by Chief Engineer. Ex.M2-Termination Order negatives that the petitioner is domestic servant alone. Ex.M7-Receipt for payment of retrenchment compensation does not mention that whatever paid by way of compensation was on humanitarian grounds as claimed by the Management. There has not been any previous warning or anything so against the petitioner. The petitioner was leveled with baseless and frivolous allegations.

8. In support of petitioner's contentions the learned counsel invited this Court's attention to a number of decisions of the Supreme Court and High Court as are mentioned below :

In the case of ANOOP SHARMA VS. EXECUTIVE ENGINEER, PUBLIC HEALTH DIVISION-I, PANIPAT (2010-5-SCC-497) Supreme Court held that "leaving aside the legal semantics, we have no hesitation to hold that termination of service of an employee by way of retrenchment without complying with the requirement of giving one month's notice or pay in lieu thereof and compensation in terms of Sections-25F(a) and (b) has the effect of rendering the action of the employer as nullity and the employee is entitled to continue in employment as if his service was not terminated".

In the case of NAR SINGH PAL VS. UNION OF INDIA AND OTHERS (2000-3-SCC-588) Supreme Court held "applying the above principles, the order in the instant case, cannot be treated to be a simple order of retrenchment. It was an order passed by way of punishment and, therefore, was an order of dismissal which, having been passed without holding a regular departmental enquiry, cannot be sustained".

In the case of MOHAN LAL VS. BHARAT ELECTRONICS LTD. (1981-2-LLJ-70) Supreme Court held "we hold that the termination of service of the appellant was ab initio void and inoperative and a declaration is made that he continues to be in service with all consequential benefits, namely, back wages, in full and other benefits, if any".

In the case of THE MANAGER, GOVERNMENT BRANCH PRESS AND ANOTHER VS. D.B. BELLIAPPA

(1979-1-SCC-477) Supreme Court held "it is true that the competent authority had a discretion under the conditions of service governing the employee concerned to terminate the latter's employment without notice. But, such discretion has to be exercised in accordance with the reason and fair play and not capriciously. Bereft of rationality and fairness, discretion degenerates into arbitrariness which is the very antithesis of the rule of law on which our democratic polity is founded. Arbitrary invocation or enforcement of a service condition terminating the service of a temporary employee may itself constitute denial of equal protection and offend the equality clause in articles 14 and 16(1)".

In the case of DILIP HANUMANTHRAO SHIRKE AND OTHERS VS. ZILA PARISHAD, YAVATMAL AND OTHERS (1990-1-LLJ-445) High Court of Bombay held "to make appointments for specific periods did not absolve the management from complying with the conditions stipulated under Section-25F of the Industrial Disputes Act at the time the period of employment comes to an end. The benefit of law laid down by the Supreme Court was extended to all the workmen, even to those who were employed for specific work or for a particular job and even to casual labourers who were engaged merely to complete casual nature of work". In the case of K. RAJENDRAN VS. DIRECTOR (PERSONNEL), PROJECT AND EQUIPMENT CORPORATION OF INDIA LTD., NEW DELHI AND ANOTHER (1992-1-LLN-150) Madras High Court held "in view of the discussion, there is no difficulty in coming to the conclusion that the termination of service of the petitioner in this case amounts to retrenchment within the meaning of s.2(oo) of the Act and that the respondent has not complied with the mandatory provision of S. 25F of the Act by paying the retrenchment compensation to the petitioner and, therefore, the impugned order of the respondent terminating the service of the petitioner is bad in law and the same is liable to be set aside".

In the case of D.K. YADAV VS. J.M.A. INDUSTRIES LTD. (1993-3-SCC-259) Supreme Court held "the cardinal point that has to be borne in mind, in every case, is whether the person concerned should have a reasonable opportunity of presenting his case and the authority should act fairly, justly, reasonably and impartially. It is not so much to act judicially but is to act fairly, namely, the procedure adopted must be just, fair and reasonable in the particular circumstances of the case. In other words application of the principles of natural justice that no man should be condemned unheard intends to prevent the authority from acting arbitrarily affecting the rights of the concerned person".

In the case of DHARMANAND AND ANOTHER VS. UNION OF INDIA AND OTHERS (2004-10-SCC-609) Supreme Court held "we are of the view that if these petitioners should have been treated as Government servants, the services could not have been terminated on

the ground that their services were no longer required. The only ground stated for terminating service was that it was only for 5 years' tenure and their services were no longer required. We hold that termination was illegal and the petitioners are entitled to be reinstated in service forthwith. The petitioners are also entitled to get consequential benefits".

In the case of *L. ROBERT D' SOUZA VS. EXECUTIVE ENGINEER, SOUTHERN RAILWAY AND ANOTHER* (1982-1-SCC-645) Supreme Court held "absence without leave is a misconduct and termination of service on such ground without complying with minimum principles of natural justice would not be justified".

In the case of *MANAGER (P&A), ONGC LTD., CHENNAI VS. G. RADHAKRISHNAN* (2005-2-LLN-881) High Court of Madras held "on a plain reading of S.2(00)(bb), it is quite clear that such term based employment would fall outside the scope of "retrenchment" as long as the requirement of such fixed period of employment was bona fide required by the employer. It was, therefore, repeatedly pointed out that such excepted categories required a rigorous test rather than accepting the plea of employer on its face value or otherwise it would cause serious prejudice to an employee, who can be taken for a ride by unscrupulous employers by contending that the term of employment was for specific period though as a matter of fact such period of employment lasted quite for a long spell".

In the case of *M/s J.K. COTTON SPINNING AND WEAVING MILLS COMPANY LTD. VS. THE LABOUR APPELLATE TRIBUNAL OF INDIA, IIIrd BRANCH, LUCKNOW AND OTHERS* (AIR-1964-SC-737) Supreme Court held "while we are dealing with this point, it is necessary to bear in mind that the bungalow are owned by the appellant and they are allotted to the officers as required by the terms and conditions of the officers' employment. Since the bungalows are allotted to the officers, it is the duty of the appellant to look after the bungalows and take care of the gardens attached to them. If the terms and conditions of service require that the officers should be given bungalows and gardens are attached to such bungalows, it is difficult to see why in the case of Malis who are employed by the appellant, are paid by it, and who work subject to its control and supervision and discharge the function of looking after the appellant's property, it should be said that the work done by them has no relation with the industry carried on by the appellant. The employment is by the appellant, the conditions of service are determined by the appellant, the continuance of service depends upon the pleasure of the appellant, subject, of course, to the Standing Orders prescribed in that behalf and the work assigned to the Malis is the work of looking after the properties which have been allotted to the officers of the appellant. Like the transport amenity provided by the factory to its employees, bungalows and gardens are also a kind of amenity supplied

by the employer to his officers and the drivers who look after the buses and the Malis who look after the gardens must, therefore, be held to be engaged in operations which are incidentally connected with the main industry carried on by the employer".

In the case of *V.P. AHUJA VS. STATE OF PUNJAB AND OTHERS* (2000-3-SCC-239) Supreme Court held "a probationer like a temporary servant, is also entitled to certain protection and his services cannot be terminated arbitrarily, nor can those services be terminated in a punitive manner without complying with principles of natural justice".

9. The contra contentions on behalf of the Respondent advanced by its learned counsel are that petitioner being engaged as a Bungalow Laskar cannot claim the benefits as a matter of right. His engagement is not under the force of a statutory rule. His appointment is of contractual nature. In his case Article-311 of the Constitution is not attracted. His appointment was for 3 years whose service if not satisfactory during the interregnum can be terminated. Provisions of Section-25(F) or Section-25(G) are not attracted. He has been paid compensation as evidenced by Ex.M2 and Ex.M7. His appointment is a backdoor entry. Though the appointment was with the approval of the General Manager, the appointment was not as per the rules, norms or the recruitment procedure in vogue. He cannot, therefore, be regularized. The domestic service does not cover service under an industry. There cannot be invocation of the I.D. Act provisions by the petitioner. The claim is not maintainable. The petitioner cannot be said to be a Railway Servant. He has been paid retrenchment compensation. He was only engaged as a Substitute Bungalow Laskar under Sri Rajendra Prasad, CPDE/MAS on 15.09.2005. The appointment was on the clear instruction of liability to termination of service for unsatisfactory performance, etc. The Officer-in-Charge informed about his unsatisfactory performance and unauthorized absence from 16-02-2007. On his Ex.M1 letter, Show Cause Notice for termination was issued on 01-06-2007. His reply was not acceptable.

10. The learned counsel for the Respondent relied on the decision in *ONGC AND OTHERS VS. M.D.S. ISKANDAR ALI* (1980-3-SCC-428) where it is held by the Supreme Court that it is well settled by a long course of decisions of this Court that in the case of a probationer or a temporary employee, who has no right to the post such a termination of the services is valid and does not attract Article-311 of the Constitution.

11. In *SECRETARY STATE OF KARNATAKA AND OTHERS VS. UMA DEVI AND OTHERS* (2006-4-SCC-1) Supreme Court held, inter alia, that "no regularization to those not appointed as per rules can be given". It further reads "appointments made on contract basis or on daily wages and in violation of statutory rules or rules framed under proviso to Article-309 of the Constitution, being void ab initio and thus nullities, question of regularizing their services would not arise".

12. In the present reference the termination from service of the petitioner-workman appointed as Substitute Bungalow Laskar by the General Manager of the Southern Railway w.e.f. 15-09-2005 is in challenge. The noteworthy contentions on behalf of the petitioner precisely are that the termination was one brought about without holding an enquiry rendering it illegal and void ab initio. The impugned termination is not an order of termination simplicitor but is a punitive one for which departmental enquiry is a sine-qua-non. Even if it is not a punitive one, it could only be a retrenchment for which compensation was to have been given but has not been paid. The existence of proof of payment of some amount in compliance of Section-25(F) of the I.D. Act not meeting the requirement of the provision in full cannot be a valid compliance of the conditions stipulated thereunder. The termination was made after completion of 1 year and 10 months' service and the petitioner is thereby entitled to 2 months' wages by way of compensation whereas what is paid is only a meager sum of Rs. 3,289 as a quantum the manner of liquidation of which is beyond comprehension and also as to the yardstick employed. The termination is also assailed as void and is non-est in the eye of law. He is appointed by a Railway Authority but his termination order is seen issued by his own Officer. There has not had been any complaint or warning against the petitioner before. He was granted temporary passes which are not assailed as fabricated passes. That whatever was paid by way of Retrenchment Compensation is not shown to be paid to the petitioner on any humanitarian consideration, as claimed by producing any material. He was on leave for his personal and domestic purpose during which he had to overstay at his native place in connection with the sickness of his Son who eventually expired. It is proved that the petitioner has had made a telephonic conversation with his Officer for extension of leave whereafter when he reported for duty he found out to his embarrassment that a substitute is working in his place and he has been denied employment which virtually was a termination of his service. It is strange to note that in spite of his unauthorized absence during February, 2007 his full salary has been paid to him. The termination of service of the petitioner in any view of the matter is illegal, unjust, arbitrary and against the principles of natural justice. It lacks bona fides. The ground for the termination held out as unsatisfactory performance of the petitioner is not at all established by any evidence, which reason alone enables to terminate him from service. The other reason of alleged mixing of insecticide in the food of the Officer from the nature of its very mentioning as a ground appears totally unconvincing. But that does not mean that the petitioner is to be treated as though he is not subject to any rule of law. The so-called reasons for termination such as Unauthorized Absence and mixing up of poison in the food of the Officer do not stand established on any sound edifice. For the allegation of mixing of insecticide in the food in September 2006, a Show Cause Notice emanates only on 01-06-2007. The disclosure regarding mixing of insecticide in food is not with the delineation as to its

adverse consequences or repercussions. The said allegation is only apt to be discredited together with the other ground of unauthorized absence stated as reason for the termination which have not actually prevailed upon the Officer to terminate his services. Discernibly, the reasons made known ostensibly cannot be regarded as the real reasons that may have tempted his termination from service which emerged from his own Officer whereas his original appointment order was issued by the Asstt. Personnel Officer. Going by Ex.W1-Appointment Order issued to the petitioner it could be gathered that the appointment of the petitioner as Bungalow Laskar constitutes another line of recruitment independent of the normal recruitment rules applicable generally to the Railway Administration. A Bungalow Laskar after having been once appointed, as to what shall be the career progression avenues that may enure to him and the norms and conditions of his services are also provided. It includes grant of temporary status by which he is entitled to all rights and privileges admissible to temporary railway servants. He will be eligible for regularization against Group 'D' vacancies in the open line field units subject to medical fitness after completion of 3 years' continuous service from the date of temporary status. After absorption if he is not required for any reason such as transfer of the Officer or by his successor he will be transferred to the unit where his lien is to be maintained. The very provisions as above amply go to show that Bungalow Laskar is not to be thrown out simplicitor. The ground for termination is unsatisfactory work within 3 years. From the above norms and conditions of service of Bungalow Laskar it could well be found that the decision of the Apex Court in Uma Devi's case has no application to the facts of this case. The so-called reasons for termination of the petitioner from service could only be afterthought cover-up for the unjust denial of work to the petitioner. As already mentioned above, there is no case of petitioner having availed any leave previously except one mentioned in this Claim Statement which was continued by the petitioner by overstaying. Overstay was due to the fact of his Son being sick and who is proved to have eventually met with a death. It is at or about this point of time that the petitioner has had to detain himself there in his native place and could not return to his place of duty. He was, therefore, making telephonic calls to his Officer as has been proved before this Tribunal. It is at or about this time that his Officer presumably in an inhuman and arrogant attitude towards the petitioner sent Ex.M1—Complaint against the petitioner which eventually turned out to be cause for the termination of the petitioner from service. The termination of petitioner from service cannot be understood to be one due to any unsatisfactory work or performance of the petitioner. It discernibly was the outcome of absence of the petitioner on leave for a few days during February, 2007 at which time he has had to leave for his native place in connection with his personal and domestic constraints. Understandably this situation moved his Officer to be arrogant and hostile towards him to turn him out from service which is in humanitarian, a conduct and is much

against all notions of justice equity, good conscience. It is quite arbitrary. It is quite illegal. It is a mala fide action. That the petitioner was only a Bungalow Laskar, proved appointed on the recommendation of his very Officer does not mean that he could be dealt with by the very Officer in any way he pleases. Even though a menial, constitutional guarantee of fundamental rights, freedom and right to dignity and decent living could never be negated to him. He cannot but be subjected to Certified Standing Orders of the Management. It is good to remember in this context the settled law on the fact that Certified Standing Orders have statutory force which do not expressly exclude the application of the principles of natural justice (1993-3-SCC-259 of the Apex Court already quoted above). The post in which the petitioner is borne cannot be read as one to which he has no right of a lien inasmuch as the Ex.W1-Appointment order clearly intends the career progression of the petitioner once he entered into service as a Bungalow Laskar. His entitlement as admitted by the Management regarding service though purely temporary in nature and is with liability to be discharged within 3 years for unsatisfactory work, when he is discharged for that reason that should be substantiated by the Management before he is terminated. The termination is not one simplicitor but is punitive. Here the absence of enquiry is quite illegal and arbitrary and it springs much against the Management's highly inhuman action. The issuance of termination notice to the petitioner could not be said to be an efficacious substitute for a proper enquiry holding of which is a mandatory requirement of all canons of rule including Certified Standing Orders and the principles of natural Justice. The decisions relied on by the learned counsel for the petitioner fully support the above view. The decisions upon which reliance was placed by Respondent's Learned Counsel are not squarely applicable to the facts. The absence of holding an enquiry and allowing servants like the petitioner being terminated from service in an arbitrary manner is totally unjust. It will lower the condition of employment of such workmen subject to the sweet will and pleasure of his employer, whoever he is, relegating it to the ancient concept of employment by kings, former rulers of erstwhile kingdom known as "pleasure tenure" with a transient life, last for a time until only the workman or employee is able to keep his employer exhilarated in any situation irrespective of whether or not that could be really possible of being done by the employee invariably. It is quite improper in a refined Society and for a civilized life. It is also too undemocratic an approach to be sustained. Hence, it is only to be held that the termination of service of the petitioner is illegal and unjustified. The same is set aside. The petitioner is ordered to be reinstated into service forthwith with full back wages, continuity of service and all attendant benefits.

13. Thus the reference is answered accordingly.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open Court on this day the 15th November, 2010)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :

For the I Party/Petitioner : WW1, Sri Surender Singh Panwar

For the II Party/Management : MW1, Sri B. Karthikeyan

Documents Marked:

On the Petitioner's side

Ex.No.	Date	Description
Ex.W1	15-09-2005	Appointment Order
Ex.W2	23-03-2006	Order granting temporary status to the petitioner.
Ex.W3	14-2-2007	Free Railway Pass issued to the petitioner.
Ex.W4	-	Death Certificate of the petitioner's son and English Translation of the same.
Ex.W5	21-03-2007	STD Call Bill
Ex.W6	25-04-2007	Petitioner's representation to the Chief Administrative Officer
Ex.W7	22-05-2007	Petitioner's representation to GM
And		
Ex.W8	30-5-2007	
Ex.W9	01-06-2007	Show Cause Notice
Ex.W10	13-06-2007	Explanation to the Show Cause Notice
Ex.W11	12-07-2007	Order of Termination
Ex.W12	Feb. 2007	Salary Slip

On the Management's side

Ex.No.	Date	Description
Ex.M1	15-03-2009	Termination letter
Ex.M2	-	Retrenchment Compensation paid and acknowledgement receipt.
Ex.M3	-	IREM Rule 1502
Ex.M4	12-02-1999	Copy of judgment of Central Administrative Tribunal in OA 896/95.
Ex.M5	30-05-2007	Representation from Surender Singh Pawar to the General Manager.
Ex.M6	-	Showing that Termination Order issued by the Officer in whose bungalow the petitioner worked and not by Dy. Chief Personnel Officer.
Ex.M7	-	Receipt for making payment of retrenchment compensation which has been received by the petitioner and signed by him.

नई दिल्ली, 10 दिसम्बर, 2010

का.आ. 71.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक-विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 7/10) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2010 को प्राप्त हुआ था।

[सं. एल-40012/86/2009-आई आर(डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 10th December, 2010

S.O. 71.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/10) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Post and their workman, which was received by the Central Government on 10-12-2010.

[No. L-40012/86/2009-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

PRESENT : N. K. PUROHIT Presiding Officer

I.D. No. 7/10

Reference No. L-40012/86/2009-IR(DU) dated 8-2-2010

Shri Prabhu Singh,
S/o Shri Uday Singh Rawat,
R/o Village Bar, Tehsil Bheem,
Rajsamand.

Versus

1. The Superintendent,
Post Office, D/o Posts,
Bhilwara Mandal, Bhilwara,
2. The Posts Master General,
D/o Posts, Head Post Office,
Ajmer.

3. I.P.O., D/o Posts,
Gulabpura, Bhilwara.

AWARD

Dated : 26-11-2010

1. The Central Government in exercise of the powers conferred under clause (d) of sub-sections 1& 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following Industrial dispute to this Tribunal for

adjudication which runs as under :—

“Whether the action of the management of Superintendent (Post Offices), Indian Postal Department, Bhilwara Division, in terminating the services of their workman Shri Prabhu Singh w.e.f 2-8-2007 is legal and justified? If not, what relief the workman is entitled to?”

2. Pursuant to the receipt of reference order, the registered notices were issued to both the parties. The representative on behalf of the workman put his appearance on 19-4-2010 and sought time for filing claim statement. On subsequent dates 25-5-10 & 19-7-10 claim statement was not filed. On 19-7-10 last opportunity for filing the claim statement was given to the workman, but on next date i.e. 6-9-10 neither any claim statement was filed nor workman or his representative appeared. On 9-11-10 none appeared on behalf of both the parties, despite this one more opportunity to file claim was given on next date i.e. 25-11-10, but again on the said date none appeared on behalf of the both parties. Hence, case was reserved for award.

3. Since, the workman has not appeared to file his claim statement, there is no material on record to adjudicate the reference under consideration on its merit. It appears that the workman is not willing to contest the case further. Under such circumstances the “No Claim Award” is passed in this matter. The reference under adjudication is answered accordingly.

4. Award as above.

N.K. PUROHIT, Presiding Officer

नई दिल्ली, 10 दिसम्बर, 2010

का.आ. 72.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिल्ली डवलपमेन्ट ऑथोरिटी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 10/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2010 को प्राप्त हुआ था।

[सं. एल-42011/87/2006-आई आर(डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 10th December, 2010

S.O. 72.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2007) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Delhi Development Authority and their workman, which was received by the Central Government on 10-12-2010.

[No. L-42011/87/2006-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE DR. R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, KARKARDOOMA COURTS
COMPLEX, DELHI**

I.D. NO. 10/2007

The General Secretary,
Municipal Employees Union,
Agarwal Bhawan, G.T. Road,
Tis Hazari, Delhi-110054

...Workman

Versus

The Secretary,
Delhi Development Authority,
Vikas Sadan, INA Market,
New Delhi

...Management

AWARD

A beldar was engaged by the Delhi Development Authority (hereinafter referred to as the Authority) on 24-5-83 on muster roll. His services were dispensed with in March, 1991. He raised an industrial dispute, which was referred to a Labour Court, constituted by Government of N.C.T. Delhi. The labour court adjudicated the dispute in his favour and passed an award dated 23-5-2001. The Authority assailed the award before High Court of Delhi by way of writ petition being No.5905/2003. On 12th of September, 2003, High Court issued notice to the opposite party on a limited issue of back wages payable in the matter. Relief of reinstatement, granted by the labour court, was held to be above reproach. Accordingly, the beldar was reinstated in service. In between persons, who were junior to that beldar, were regularized in service. He raised a demand for regularization of his services which was not conceded to. He approached Municipal Employees Union (hereinafter referred to as the Union), who raised an industrial dispute in the matter. Since conciliation proceedings failed, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/87/2006-IR(DU) dated 1-2-2007, with following terms:

“Whether the demand of the Municipal Employees Union for regularisation of services of Shri Jai Parkash w.e.f. 24-5-83 is legal and justified? If yes, to what relief the workman is entitled to and from which date?”

2. Claim statement was filed pleading that Shri Jai Parkash joined services of the Authority on 24-5-83 as a beldar. He was treated as a daily rated/muster roll employee. He was paid minimum wages while his counter-parts were

paid scaled wages, besides allowances admissible to them. In March, 1991 his services were terminated without assigning any valid reason. He assailed that action and an industrial dispute was referred to a labour court, constituted by the Government of N.C.T. Delhi. The labour court passed an award on 23-5-2001, wherein it was announced that action of termination of his services was illegal and unjustified. He was ordered to be reinstated with continuity and 50% of back wages, besides all consequential benefits. The Authority filed a writ petition being WP(C) No. 5905/2003 against the award referred above. High Court, vide its order dated 12-9-2003, stayed the order relating to grant of back wages, while confirmed it in respect of reinstatement of service. He was reinstated in service w.e.f. 28-4-2005. In between Smt. Javitri W/o Shri Madan Lal, Shri Ranbir Singh and Shri Kishan, besides others, who were juniors to him, were regularized in service and he was meted out with hostile discrimination. It has been claimed that action of non regularization of his services amounts to violative of Articles 14, 16 and 39(d) of the Constitution. He has acquired status of regular employee on completion of 90 days of continuous service, as provided in Model Standing Orders framed under Industrial Employment (Standing) Orders Act, 1946. On completion of 240 days of continuous service, he acquires a status of permanent employee. It has been claimed that an award may be passed in his favour holding that he is entitled to be regularized in service from the date of his initial employment and the Authority may be commanded to pay him difference of salary since that date.

3. Contest was given to the claim petition pleading that the matter is subjudice before High Court of Delhi. It has further been projected that case of the claimant has not been espoused by any union, hence it is not maintainable. However, the Authority does not dispute that the claimant was engaged on muster roll initially on 16-5-83 as beldar. He worked intermittently and was paid at the rates fixed by the appropriate Government. Since he was a daily wager and as such not entitled to be treated at par with regular employees. The Authority agitates that the claimant was negligent towards his duties, since he absented himself from service w.e.f. 16-3-91, without any intimation to the Authority. It is not a matter of dispute that when his services were dispensed with an industrial dispute was raised, which culminated in to an award dated 23-5-2001. The Authority projects that the persons who were regularized in service had fulfilled terms and conditions of regular employee. Since the claimant failed to fulfil those terms and conditions his services cannot be regularized. It has been pleaded that his claim, being devoid of merits, may be dismissed.

4. Claimant has examined himself and Shri Surender Bhardwaj in support of his claim. The Authority examined Shri Gajraj Singh, Assistant Director, in support of its defence. No other witness was examined by either of the parties.

5. Arguments were heard at the bar. Shri Mohd. Farrukh, authorised representative, advanced arguments on behalf of the claimant. Written arguments were filed on behalf of the Authority. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows.

6. At the outset it was agitated on behalf of the Authority that no industrial dispute was raised, since there was no espousal of the dispute by any union. However, this issue is dispelled by the claimant, who examined Shri Surender Bhardwaj in that regard. Shri Bhardwaj swears in his affidavit Ex. WW2/A that in July, 2005 claimant approached the Union for redressal of his grievances. He alleged that he was not regularized by the Authority. A meeting was held on 16-8-2005 in which a resolution was passed to espouse the cause of the claimant. The resolution, so passed, is Ex. WW1/3. Shri Jai Parkash also gives confirmation to these facts and unfolds that he raised a dispute before the Conciliation Officer through the Union. Union decided to espouse his dispute vide resolution dated 16-8-2005, copy of which is Ex. WW1/3. Therefore, out of facts projected by Shri Surender Bhardwaj and reaffirmed by Shri Jai Parkash, it came to light that in May, 2003 Shri Jai Parkash approached the union for redressal of his grievances. The Union conducted a meeting and passed a resolution to espouse his cause, which resolution is Ex WW1/3.

7. Provisions of Section 10 of the Act, make it clear that the appropriate Government may refer an existing or apprehended dispute to the Industrial Tribunal for adjudication. Industrial dispute has been defined by clause (k) of Section 2 of the Industrial Disputes Act, 1947 (in short the Act). Definition given in the said sub-section encompasses within its sweep any dispute or difference between the employer and employers, or between employer and workmen or between workmen and workmen, which is connected with the employment or non employment or terms of employment or with the conditions of labour of any person. The Act is a legislation relating to what is known as “collective bargaining” in the economic field. This policy of the legislature is also implicit in the definition of the industrial dispute.

8. The Apex Court in *Bombay Union of Journalists* [1961 (II) LLJ 436] has observed that in each case in ascertaining whether an individual dispute has acquired the character of an industrial dispute, the test is whether at the date of reference, the dispute was taken up as supported by the union of the workmen of the employer against whom the dispute is raised by an individual workman or by an appreciable number of workman. In order, therefore, to convert an “individual dispute” into an “industrial dispute”,

it has to be established that it had been taken up by the union of employees of the establishment or by an appreciable number of the employees of the establishment. As far as union of the workman of establishment itself is concerned, the problem of espousal by them generally presents little difficulty, as the workman who are members of such unions generally have a continuity of interest with an individual employee who is one of their fellow workman. But the difficulties arise when the cause of a workman, in a particular establishment, is sponsored by a union which is not of the workmen of that establishment but is one of which membership is open to workmen of their establishment as well in that industry. In such a case a union which has only microscopic number of the workmen as its member, cannot sponsor any dispute arising between the workmen and the management. Representative character of the union has to be gathered from the strength of the actual number of co workers sponsoring the dispute. The mere fact that a substantial number of workmen of the establishment, in which the concerned workman was employee, were also members of the union would not constitute sponsorship. It must be shown that they were connected together and arrived at an understanding by a resolution or by other means and collectively supported the dispute.

9. What a substantial or considerable number of workmen would in a given case depend on particular facts of the case. The fact that an “industrial dispute”, is supported by other workmen will have to be established either in the form of a resolution of the union of which workman may be member or of the workmen themselves who support the dispute or in any other manner. Form the mere fact that a general union, at whose instance an “industrial dispute” concerning an individual workman is referred for adjudication, has on its roll a few of the workmen of the establishment as its members, it cannot be inferred that the individual dispute has been converted into an “industrial dispute”. The Tribunal has, therefore, to consider the question as to how many of the fellow workman actually espoused the cause of the concerned workman by participating in the particular resolution of the Union. In the absence of a such a determination by the Tribunal, it cannot be said that the individual dispute acquired the character of an industrial dispute and the Tribunal will not acquire jurisdiction to adjudicate upon the dispute. Nevertheless, in order to make a dispute an industrial dispute, it is not necessary that there should always be a resolution of substantial or appreciable number of workmen. What is necessary is that there should be some express or collective will of a substantial or an appreciable member of the workmen treating the cause of the individual workman as their own cause. Law to this effect was laid in *P. Somasundaram* [1970 (1) LLJ 558].

10. It is not necessary that the sponsoring union is a registered trade union or a recognized trade union. Once it is shown that body of substantial number of workmen either acting through a union or otherwise had sponsored the workman's cause, it is sufficient to convert it into an industrial dispute. In *Pradeep Lamp Works* [1970 (1) LLJ 507] complaints relating to dispute of ten workmen were filed before the conciliation officer by the individual workmen themselves. But their case was subsequently taken up by a new union formed by a large number of co-workmen, if not a majority of them. Since this union was not registered or recognized, the workmen elected five representatives to prosecute the cases of ten dismissed workmen. Thus the cases of the dismissed workmen were espoused by the new union, yet unregistered and unrecognized. The Apex Court held that the fact that these disputes were not taken up by a registered or recognized union does not mean that they were not "industrial dispute".

11. It is not expedient that same union should remain incharge of that dispute till its adjudication. The dispute may be espoused by the workmen of an establishment, through a particular union for making such a dispute an "industrial dispute", while the workman may be represented before the Tribunal for the purpose of Section 36 of the Act by a number of executive or office bearer of altogether another union. The crux of the matter is that the dispute should be a dispute between the employer and his workmen. It is not necessary that the dispute must be espoused or conducted only by a registered trade union. Even if a trade union ceases to be registered trade union during the continuance of the adjudication proceedings that would not affect the maintainability of the order of reference. Law to this effect was laid by the High Court of Orissa in *Gammon India Limited* [1974 (II) LLJ 34]. For ascertaining as to whether an individual dispute has acquired character of an individual dispute, the test is whether on the date of the reference the dispute was taken up as supported by the union of the workmen of the employer against whom the dispute is raised by the individual workman or by an appreciable number of the workman. In other words, the validity of the reference of an industrial dispute must be judged on the facts as they stood on the date of the reference and not necessarily on the date when the cause occurs. Reference can be made to a precedent in *Western India Match Co. Ltd.* [1970 (II) LLJ 256].

12. As detailed above, Shri Bhardwaj and the claimant could bring it over the record that the claimant approached the Union for redressal of his grievance, who opted to espouse his dispute. In meeting dated 16-8-2005 it was resolved that an industrial dispute would be raised in favour of Shri Jai Parkash, in respect of his regularization in service w.e.f. 24-5-83 and for payment of his wages in proper

pay scale with allowances admissible under the rules. Consequently it is evident that Union adapted the cause of the claimant and raised a dispute before the Conciliation Officer. It acquired a status of industrial dispute when resolution Ex. WW1/3 was passed by the Union. It cannot be said that the claim raised remained an individual dispute and the claimant cannot knock the door of this Tribunal. Submissions made by the Authority in that regard are hereby, discarded.

13. Though engagement of Shri Jai Parkash on muster roll w.e.f. May, 1983 is an admitted fact, yet the Authority tried to assert that he worked for intermittent periods. During the course of cross examination of Shri Jai Parkash, he was confronted with various periods for which he served the Authority. A case was projected that from May, 1983 till 16-3-1991 Shri Jai Parkash attended his duties intermittently and not continuously. This issue was raised before the Labour Court which was adjudicated in favour of the claimant Award Ex. WW1/1 adjudicated an sue as to whether the claimant abandoned his services w.e.f. 16-3-91. It was announced therein that the Authority could not establish that the claimant abandoned his services. A finding was recorded by the Labour Court that the claimant rendered continuous service for a period more than one year before termination of his services by the Authority on 16-3-91.

14. Can the Authority be permitted to reagitate this issue or it is estopped on application of principles of res-judicata? For an answer to this proposition, it is expedient to consider as to whether principles of res-judicata can be invoked. It is well settled that entire Code of Civil Procedure, 1908 (in short the Code) is not applicable to an industrial adjudication, yet principles of res-judicata laid down under Section 11 of the Code are applicable wherever possible. In *Straw Board Manufacturing Company Ltd.* [1974(1)LLJ 499] the Apex Court observed :

"This is so since multiplicity of litigation, agitation and re-agitation of the same dispute at issue between the same employer and his employees will not be conducive to industrial peace which is principle object of all labour legislation bearing on industrial adjudication but in holding that the principles of res-judicata is applicable to a particular case, operating consideration is whether a matter in dispute in a subsequent case had earlier been directly and substantially in issue between the same parties and the same has been heard and fully decided by the Tribunal. The earlier question of issue must be relevant and german in determining question of res-judicata in subsequent proceedings. The real character of the controversy between the parties is the determining factor and in complex and manifold one relation between the labour and capital giving

rise to diverse kind of ruptures of varying nuances no cast iron rule can be laid down. Some distinction of whatever shade of magnitude may have to be borne in mind in compliance of the principles of res-judicata in industrial adjudication in contravention to civil proceedings.”

15. In *Hindustan Liver Ltd.* (1984 Lab. I.C. 276) the Apex Court laid that “though this is highly technical concept of civil justice may be kept in precise confined limits in the field of industrial adjudication which must as far as possible be kept free from such technicalities which thwart resolution of industrial dispute. It can safely be said that principle analogous to res-judicata can be availed of to scuttle any attempt at raising industrial disputes repeatedly in defiance of operative settlements and awards”.

16. In *Punjab Cooperative Bank Ltd.* [1975 (II) LLJ 373] the Apex Court upheld the validity of the application of principles of res-judicata to an issue raised in subsequent proceedings under Section 33(C) (2) of the Act which had already been decided by a competent labour court in that regard in earlier industrial dispute. In *Bombay Gas Company Ltd.* [1975 (II) LLJ 345] the Apex Court had gone to the extent of even applying principles of constructive res-judicata. Justice Alagiriswami, speaking for the court observed:

“The doctrine of res-judicata is a wholesome one which is applicable not merely to matters covered by the provisions of the Code of Civil Procedure but to all litigations. It proceeds on the principles that there should be no unnecessary litigation and whatever claims and defences are open to parties should all be put forward at the same time, provided no confusion is likely to arise by so putting forward all such claims.”

17. In *Mumbai Kamgar Sabha* [1976 (II) LLJ 186], commenting on the above case justice Krishna Iyer observed that, “it is clear law, so long as the above ruling stands, that industrial litigation is no exception to the general principle underlying the doctrine of res-judicata”. The court entertained a doubt about “the extension of the sophisticated doctrine of constructive res-judicata to industrial law which is governed by special methodology of conciliation, adjudication and considerations of peaceful industrial relations, where collective bargaining and pragmatic justice claim precedence over formalised rules of decision based on individual contests, specific causes of action and findings on particular issues”, but *Bombay Gas Company Ltd.* case (supra) was distinguished on the basis of the observations in that case that “If the workers are dis-satisfied with any of the items in respect of which their claim has been rejected, it is open to them to raise a

fresh dispute”. This observation was interpreted to mean that “if a fresh dispute had been raised, after terminating a prior award, no bar of res-judicata could have been urged”. For the purpose of attracting principles of res-judicata, the issue in the two proceedings must be common. The real character of controversy between the parties is the determining factor. An award relating to termination of services of a workman, after being given the effect to, does not impose any continuing obligation on the workman or the employer. The award, therefore, becomes final and shall not cease to be operative after lapse of one year. It cannot be terminated by a notice under sub-section (6) of Section 19 of the Act. That dispute cannot be referred to adjudication subsequently. The principles of res-judicata, as enunciated in *Burn & Company Ltd.* [1957 (I) LLJ 226] would apply to such a case with full force.

18. Award Ex.WW1/records a finding that the claimant rendered continuous service with the Authority and the Authority failed to establish that he had abandoned his services on 16-3-91. Findings on those issues were assailed before High Court of Delhi but a jolt was received by the Authority when High Court opted to hear the matter relating to payment of back wages of back only. Despite pendency of the writ petition for adjudication, the Authority was constrained to reinstate the claimant in service. Consequently it is evident that as far as abandonment of service of the claimant is concerned, the facts recorded by the labour court reached finality. The Authority cannot re-agitate those very issues now. Consequently, the Authority is estopped to re-agitate those very issues by way of application of principles of res-judicata in the matter. Contention so advanced by the Authority is, hereby, brushed aside.

19. It was pleaded on behalf of the claimant that his juniors, namely, Smt. Javitri Devi w/o Madan Lal, Ranbir Singh and Shri Kishan were regularized in services by the Authority. On those facts the Authority does not dispute regularization of their services, but pleads in its written statement that their services were regularized on their fulfilment of terms and conditions of a regular employee. No facts were unfolded as to whether the claimant was on different pedestal than the employees, whose services were regularized by the Authority. Therefore, it is evident that in written statement no specific denial on that issue was made by the Authority.

20. In his testimony, the claimant projects that Smt. Javitri, Ranbir Singh and Shri Kishan, besides others who were junior to him were regularized in service. They were regularised w.e.f. 1989. During the course of his cross examination, no efforts were made by the Authority to highlight that the aforesaid employees were not junior to him or were placed in a different bracket than the claimant. Consequently it is emerging over the record that the

claimant could show that his juniors were regularized in service by the Authority w.e.f. 1989. Shri Gaj Raj Singh admits in his testimony that the aforesaid employees were regularized on 19th of September, 1989. They joined services of the Authority in 1983. He could not dispel that the aforesaid employees joined services of the Authority prior to 24th of May, 83, the date when the claimant was initially engaged in service. Therefore, it is evident that juniors to the claimant were regularized in the services by the Authority.

21. Equality before law and equal protection of laws are fundamental rights of every person, ordains Article 14 of the Constitution. The guiding principles laid in Article 14 are that persons, who are similarly situated, shall be treated alike both in privileges conferred and liability imposed. which means that amongst equals the law should be equal and should be equally administered and that like should be treated a like. Article 16 of the Constitution guarantees equality of opportunities for all citizens in matters relating to employment or appointment to any office under the State. What is guaranteed is the equality of opportunity. Like all other employers, government is also entitled to pick and choose from amongst a large number of candidates offering themselves for employment. But the selection process must not be arbitrary. The guarantee given by clause (a) of Article 16 of the Constitution will cover (a) initial appointment (b) promotions (c) termination of employment (d) and matters relating to salary, periodical increments, leaves, gratuity, pension, age of superannuation etc. Matters relating to employment or appointment include all matters in relations to employment both prior and subsequent to the employment which are incidental to the employment and form part of the terms and conditions of such employment.

22. Fundamental rights guaranteed by Article 14 forbids class legislation, but does not forbid classification or differentiation which rests upon reasonable ground of discretion. Classification is the recognition of the relations, and in making it the government must be allowed a wide latitude of discretion and judgment. In a way, the consequences of such classification would undoubtedly be to differentiate persons belonging to that class from others. The classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and the differentia must have a rational relation to the object sought to be achieved. Classification may be made according to the nature of persons, nature of business, and may be based with reference to time.

23. Concept of equality guaranteed by Article 16 of the Constitution is something more than formal equality and enables the underprivileged groups to have a fair share by having more than equal chance and enables the state to give favoured treatment to those groups by achieving real

equality with reference to social needs. 'Protection discrimination' enabled the state to adopt new strategy to bring underprivileged at par with the rest of the society, by providing all possible opportunities and incentives to them. Therefore a class may be allowed to have preferential treatment in the matter relating to employment or appointment. There cannot be rule of equality between members of separate and independent group of persons. Persons can be classified in different groups, based on in terms of nature of persons, nature of business and with reference to time.

24. As projected by the claimant Smt. Javitri w/o Shri Madan Lal, Ranbir Singh and Shri Kishan, juniors to him were regularized in service on 19-9-89. This fact has been reaffirmed by Shri Gaj Raj Singh. Therefore, it is evident that the aforesaid employees, who were juniors to the claimant were regularized in service by the Authority on 19-9-89. It is evident that the Authority has not been able to show that these employees were placed in a different category or group than the one in which the claimant was placed. Consequently, it is evident that the claimant as well as the aforesaid employees were of the same class and act of regularization in service of the latter discriminates the claimant.

25. Can management be permitted to treat equals differently? Answer lies in negative. In *Bal Kishan* [1990 (I) LLJ 61] the Apex Court announced that no junior shall be confirmed or promoted without considering the case of his senior. The observations made by the Apex Court are reproduced thus :

“In service, there could be only one norm for conferment or promotion of persons belonging to the same cadre. No junior shall be confirmed or promoted without considering the case of his senior. Any deviation from this principle will have demoralizing effect in service apart from their being contrary to Article 16 (1) of the Constitution”.

26. The management projected that in *Uma Devi* [2006 (4) SCC.1] the Apex Court ruled that a person who entered service dehors the rules has no right for regularization or continuance in service. The principle of law laid by the Apex Court in the aforesaid case is not a matter of dispute. Whether law laid in *Uma Devi* (supra) allow the management to discriminate the claimant from Smt. Javitri w/o Shri Madan Lal, Shri Ranbir Singh and Shri Kishan and various others, who were junior to him and placed on similar pedestal? Such a proposition was considered by the Apex Court in *Pooran Chandra Pandey* [2007 (12) Scale 304], wherein it was announced that precedent in *Uma Devi* (supra) cannot be applied mechanically without considering facts of a particular case. In *Uma Devi* it was ruled that a person, who entered the government service dehors rules cannot claim as right for continuance or regularization of service. However, the said decision nowhere speaks of a

case where regularization in service has been sought in pursuance of fundamental rights guaranteed by Article 14 of the Constitution. In Pooran Chandra Pandey (supra) there were two sets of employees who were daily wagers, that is (i) the original employees of the U.P. State Electricity Board and (ii) the employees of the society, who subsequently became employees of the Electricity Board. The High Court ruled that there was no ground for discriminating between the two sets of employees. When issue reached the Apex Court it was ruled that since the parties were all appointed in the society before 4th of May, 1990, they cannot be denied benefit of the decision of the Electricity Board dated 28th of November, 1996, permitting regularization of the employees of the Electricity Board who were working from before 4-5-1990. It was announced that to take a contrary view would violate Article 14 of the Constitution. The courts cannot read Uma Devi case in a manner which will make it in conflict with Article 14 of the Constitution. Thus the Apex Court made it clear in Pooran Chandra Pandey (supra) that when regularization is to be ordered in pursuance of Article 14 of the Constitution precedent laid down in Uma Devi will not come in between.

27. Relying law laid in Pooran Chandra Pandey (supra), it is announced that it does not lie in the mouth of the management to seek refuse in principles of law laid in Uma Devi with a view to deny equality to the claimant. Therefore, it is commanded that claimant Jai Parkash be regularized in service by the management on the same standards on which Smt. Javitri w/o Shri Madan Lal, Shri Ranbir and Shri Kishan were regularized. He would be regularized from the date whenever vacancy was available for him and in any eventuality not later than 19-9-1989, when his juniors were regularized. An Award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dated: 29-10-2010

Dr. R.K. YADAV, Presiding Officer

नई दिल्ली, 10 दिसम्बर, 2010

का.आ. 73.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी पी डब्ल्यू डी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 33/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-12-2010 को प्राप्त हुआ था।

[सं. एल-42011/24/2010-आई आर(डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 10th December, 2010

S.O. 73.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 33/2010) of

the Central Government Industrial Tribunal-cum-Labour Court-No.1, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 10-12-2010.

[No. L-42011/24/2010-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE DR. R.K. YADAV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-NO. 1, KARKARDOOMA COURTS COMPLEX, DEHI

I.D. No. 33/2010

Shri Dhanpal Sharma, Operator (Retd.),
C/o All India CPWD(MRM) Karamchari Sangathan,
House No. 483, Gali No. 13, Balbir Nagar Extension,
Shahdara, Delhi-110032. Workman

Versus

The Superintending Engineer (Elect.),
CPWD, Outer Delhi Elect. Circle,
East Block-1, R.K. Puram,
New Delhi. Management

AWARD

To ensure at least one promotion to Group 'C' and 'D' employees a scheme was introduced vide OM No. F.No. 10(1)/E/III/88, Department of Expenditure, Ministry of Finance, Government of India, New Delhi dated 13th of September, 1991, which scheme was applicable to (i) employees who are directly recruited to a group "C" or group "D" post (ii) employees whose pay on appointment to such a post, is fixed at the maxima of the scale, and (iii) employees who have not been promoted on regular basis even after one year on reaching maxima of the scale of such post. The scheme, so formulated, have following basic features :—

(a) Grade "C" and "D" employees who fulfil the conditions mentioned at (i), (ii) and (iii) above will be considered for promotion in situ to the next higher scale. (b) Promotion in situ will be allowed after following due process of promotion with reference to seniority-cum-fitness.

(c) The employees will get promotion in situ to the next higher scale available to them in the normal line/hierarchy of promotion. Promotions made on the basis of a qualifying or competitive department examination or subject to possessing or acquiring higher qualifications will not be treated as promotions in the normal line/hierarchy for the purpose of these instructions. In cases where no promotional grade is available, promotional scale will be decided by the Ministry of Finance. The promotional grade in case

of Staff Car Drivers in the scale of Rs. 950-20-1150-EB-25-1500 will be Rs. 1200-30-1440-EB-30-1800.

(d) Group 'D' employees will retain the benefit of retirement at 60 years even after they are promoted in situ to the scale of Rs. 825-15-900-EB-20-1200. On promotion in situ to any higher group 'C' scale, the retirement age of 58 will apply.

(e) In case recruitment to any category of posts (Group 'C' or 'D') is made both by direct recruitment and by promotion, a promotee will be considered for promotion in situ from the date a direct recruit, junior to him in that cadre becomes eligible for in situ promotion even though in his case (in case of promotee) it will be the second promotion. Similarly, a direct recruit who was not fixed at the minimum of the scale at the time of appointment will also be considered for promotion in situ from the date a direct recruit junior to him and fixed at the minimum of the scale becomes eligible for promotion.

(f) Employees given promotion in situ will continue to be borne on the seniority list of the lower cadre/post and will be considered for functional promotion against available vacancies as per provisions of the Recruitment Rules.

(g) Even though promotion under this scheme, which is in situ, may not involve assumption of higher duties and responsibilities, the benefit of FR 22(1)(a)(1)(Old, FR 22-C) will be allowed while fixing his pay on promotion as a special dispensation. However, such benefit will not be allowed again at the time of functional promotion in the same scale.

(h) In case of Group 'D' employees, the stagnation increment(s), being drawn will be taken into account in fixation of pay in the event of promotion in situ under the scheme as a one time dispensation.

2. A dispute relating to interpretation of clause (e) referred above has been raised by the parties in the present controversy. As borne out of the record claimant was granted in situ promotion w.e.f. June, 1998 in the scale of Rs. 4000-6000, which promotion was withdrawn by the Central Public Works Department (hereinafter referred to as the management) on 4th of September, 2008. Recovery was effected from the claimant, who made payment of the recovery amount under protest. He raised an industrial dispute in that regard before the Conciliation Officer through All India CPWD (MRM) Karamchari Sangathan (hereinafter referred to as the Union). Since the management did not give up its stand, the conciliation proceedings failed. On consideration of the failure report submitted by the Conciliation Officer, the appropriate Government referred the dispute to this Tribunal for adjudication, vide order No. L-42011/24/2010-IR(DU), New Delhi dated 20-6-2010, with the following terms:

“Whether the demand by All India CPWD (MRM) Karamchari Sangathan for grant of in situ promotion w.e.f. 1-6-1998 to Shri Dhanpal Sharma by the management of Superintending Engineer (Elect.), CPWD, is legal and justified? If yes, what relief the workman is entitled to?”

3. Claim statement was filed pleading therein that Shri Dhanpal Sharma was initially appointed as Khalasi with the management on 9-8-66. He was promoted to the post of Assistant Operator on 8-6-90, in the scale of Rs. 85-110. On implementation of the Arbitration Award 1988 Asstt. categories were merged with the main categories and consequent to that merger Shri Dhanpal Sharma became an operator. He became eligible for grant of selection grade w.e.f. 1-1-81 in the pay scale of Rs. 330-480, which was revised to Rs. 1200-1800 and subsequently revised to Rs. 4000-6000. He was eligible for A.C.P. w.e.f. 9th of August, 1999. He was granted in situ promotion vide order dated 20-2-08. w. e.f. 1-6-98. His in situ promotion was withdrawn vide order dated 4-2-08, since the management wrongly construed clause (e) of the scheme, referred above. He projects that though juniors to him have been granted in situ promotion, hence action of the management withdrawing his promotion is arbitrary and unjustified. He superannuated from the service of the management w.e.f. 31-1-2006. He claims that in situ promotion may be granted to him w.e.f. 1-6-98 to 8-8-99, second ACP may be granted to him w.e.f. 9-8-99 and thereafter he may be granted pay scale recommended by Sixth Central Pay Commission, besides benefits of pay fixation.

4. In its written statement the management does not dispute appointment of Shri Dhanpal as Khalasi w.e.f. 9-8-66 and his promotion to the post of assistant operator on 8-6-90. It is also not disputed that assistant operator category was merged with operator w.e.f. 1-1-73, in pursuance of Arbitration Award 1988. It is also not disputed that the claimant superannuated from services on 31-1-06. It has been pleaded that claimant was granted in situ promotion inadvertently w.e.f. 1-6-98, in the pay scale of Rs. 4000-6000. The mistake, so committed, was rectified vide order dated 2-9-88, since the claimant did not fulfil the criteria laid down in the scheme. It has been projected that the employees who have got one promotion are not eligible for grant of in situ promotion unless situation detailed in clause (e) of the scheme referred above occurs. It has been projected that the claimant was granted second ACP in the pay scale of Rs. 3200-4900 vide order dated 20-2-2008 w.e.f. 9-8-99. When in situ promotion was withdrawn he was directed to deposit a sum of Rs. 2537 vide letter dated 4-2-2009, which amount has been deposited by him vide receipt dated 27-10-2009. It has been pleaded that claim put forward by Shri Dhanpal Sharma is not maintainable, hence it may be dismissed.

5. Claimant has examined himself in support of his claim. Shri Hem Parkash, Executive Engineer, appeared in the witness box on behalf of the management. No other witness was examined by either of the parties.

6. Arguments were heard at the bar Shri Satish Kumar Sharma, authorised representative, advanced arguments on behalf of the claimant. Shri Hem Parkash, Executive Engineer, raised submissions on behalf of the management. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:-

7. Shri Dhanpal testified that he was appointed as khalasi in Hindon Central Electrical Division of the Management on 9-8-66. He was promoted to the post of assistant operator on 8th of June, 1970, in the scale of Rs. 85-110. On 8-6-77 he reached maxima of the time scale of Rs. 3050-4590. Arbitration Award 1988 came in force and on the strength of the said award all posts of assistant category were merged with full category w.e.f. of January, 1973. In pursuance of the said award, he was granted merger with the post of operator w.e.f. 1-1-73 and all benefits were accorded to him. On 10th of March, 2008 he was granted in situ promotion w.e.f. 1-6-98 in the scale of Rs. 4000-6000. On 4th of September, 2008 in situ promotion was withdrawn, vide order dated 4-9-2008, copy of which order is Ex. WW1/1. Baljeet Singh, Budh Singh and Kashmir Singh, who were appointed as assistant operator directly and junior to him, were granted in situ promotion in 1998, vide order dated 20-9-05, copy of which order is Ex. WW1/3. Their in situ promotion was never withdrawn. On 9th of August, 99 A.C.P. was granted to him in the scale of Rs. 3200-4900, vide order dated 10-3-2008, copy of which order is Ex. WW1/4. Recovery of a sum of Rs. 3757 was effected from him when his promotion was withdrawn. He deposited that money under protest. He is entitled to in situ promotion as well as fixation in 6th Central Pay Commission.

8. Shri Hem Parkash unfolds that claimant was not entitled for in situ promotion, since he did not comply conditions mentioned in scheme Ex. WW1/M1. His in situ promotion was withdrawn, vide order dated 2-9-08, copy of which is Ex. MW1/1. However, he does not dispute that Baljit Singh, Budh Singh and Kashmir Singh, who were direct appointee and juniors to the claimant, were granted in situ promotion which was never withdrawn.

9. When facts unfolded by the witnesses referred above are appreciated it came to light that Baljit Singh, Budh Singh and Kashmir Singh, who were direct appointee and juniors to the claimant, were granted in situ promotion which was never withdrawn. Therefore, it is evident that though direct recruits who were junior to the claimant were granted in situ promotion, yet promotion of the claimant was withdrawn on the ground that he does not fulfil requirements laid down in the scheme, referred above. It

has been agitated that the claimant got one promotion and was not eligible for in situ promotion under the scheme. It is emerging over the record that the management became oblivious of the fact that juniors to the claimant were granted in situ promotion. Clause (e) of the scheme referred above makes it clear that where recruitment to any category of post (group "C" or "D") is made both by direct recruitment and promotion, a promotee will be considered for promotion in situ from the date a direct recruit junior to him in that category becomes eligible for in situ promotion, even though in the case of the promotee it may be his second promotion. As conceded by Shri Hem Parkash, Baljit Singh, Budh Singh and Kashmir Singh, who were direct appointee and juniors to the claimant were granted in situ promotion vide order dated 20-9-95 which is Ex. WW1/3.

10. Perusal of Ex. WW1/3 makes it clear that Shri Baljit Singh and Budh Singh were granted in situ promotion w.e.f. 1-1-98 while Shri Kashmir Singh was granted in situ promotion w.e.f. 1st of June, 1998. All of them are direct appointee, who were juniors to the claimant. Therefore, claimant was entitled for in situ promotion from 1st of January 1998, the date when Baljit Singh and Budh Singh were granted in situ promotion. Scheme became applicable to his case, when juniors were granted in situ promotion. Contention made by the management is untenable in that regard.

11. Order No. 19/17/2010-ECX, New Delhi dated 29th of October, 2010 was passed by Section Officer, Directorate General of Works of the management wherein it was conceded that the claimant was entitled for benefit of in situ promotion w.e.f. January, 1998. On the strength of the said order, it became evident that the management concedes the claim put forward by Shri Dhanpal Sharma for in situ promotion. In view of these facts it is evident that Dhanpal Sharma is entitled for in situ promotion w.e.f. 1-1-98. Consequently it is apparent that demand raised by the Union for grant of in situ promotion to Dhanpal Sharma w.e.f. 1-6-98 is legal and justified.

12. Claimant Dhanpal Sharma is entitled for in situ promotion w.e.f. 1-1-98, the date when Shri Baljit Singh and Budh Singh his juniors were granted in situ promotion. The management is commanded to grant in situ promotion to the claimant w.e.f. 1st of January, 1998, besides implementation of Sixth Central Pay Commission in his case. An award is accordingly passed. It be sent to the appropriate Government for publication.

Dr. R.K. YADAV, Presiding Officer

Dated: 02-11-2010

नई दिल्ली, 14 दिसम्बर, 2010

का.आ. 74.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 01 जनवरी, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के

अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है)
अध्याय-5 और 6 [धारा -76 की उप धारा-(1) और धारा-77, 78,
79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध
तमिलनाडु राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

केन्द्र**निम्न क्षेत्र के अंतर्गत आने
वाले राजस्व गाँव**

कांचीपुरम जिला के
सुंगुवार सत्तिरम,
श्रीपेरुम्पुदूर तालुक

(क) सिरुमांगाडु
(ख) सन्दवेल्लूर
(ग) तिरुमंगलम
(घ) सुंगुवार सत्तिरम

[संख्या-एस-38013/43/2010-एस एस-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 14th December, 2010

S.O. 74.— In exercise of the powers conferred by
sub-section (3) of Section 1 of the Employees' State

Insurance Act, 1948 (34 of 1948) the Central Government
hereby appoints the 1st January, 2011 as the date on
which the provisions of Chapter IV (except Sections 44
and 45 which have already been brought into force) and
Chapter-V and VI [except Sub-Section (1) of Section 76
and Sections 77, 78, 79 and 81 which have already been
brought into force] of the said Act shall come into force
in the following areas in the State of Tamil Nadu
namely :—

Centre

Sunguvarchatram
Sriperumbudur Taluk,
Kancheepuram District

**Areas Comprising the
Revenue Villages of**

(a) Sirumangadu
(b) Sandhavellore
(c) Thirumangalam
(d) Sunguvarchatram

[No. S- 38013/43/2010-SS-I]

S. D. XAVIER, Under Secy.